Appendix Exhibit 4

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ABBY S. CONLEY, Plaintiff, vs.	Civil Div. No. 05-CV-76-2
COUNTY OF ERIE, ERIE COUNTY OFFICE OF CHILDREN AND YOUTH a/k/a ERIE COUNTY CHILD WELFARE SERVICE, RICHARD SCHENKER, individually and in his capacity as County Executive of Erie County, Pennsylvania, PETER CALLAN, individually and in his capacity as Erie County Director of Personnel, DEBRA LIEBEL, individually and in her capacity as Executive Director, Erie County Office of Children and Youth a/k/a Erie County Child Welfare Service, and JOHN A. ONORATO, ESQUIRE, individually and in his capacity as Erie County Solicitor, Defendants.	

Deposition of ABBY B. CONLEY
Tuesday, September 6, 2005

Filed on behalf of Defendants
County of Erie, Erie County Office of Children and Youth a/k/a Erie County Child Welfare Service, Richard Schenker, Peter Callan, and Debra Liebel

Counsel of Record for this Party:
Edmond R. Joyal, Jr., Esquire

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DEPOSITION OF ABBY B. CONLEY, taken pursuant to the Federal Rules of Civil Procedure, by and before Debra D. LaGamba, a Registered Professional Reporter and a Notary Public in and for the Commonwealth of Pennsylvania, at the offices of Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, Pennsylvania 16501, on Tuesday, September 6, 2005, scheduled to commence at 10:30 o'clock a.m.

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COUNSEL PRESENT:

For the Plaintiff:
Timothy D. McNair, Esquire
Timothy McNair, Esquire
821 State Street
Erie, PA 16501

Anthony Angelone, Esquire
Vendetti & Vendetti
3820 Liberty Street
Erie, PA 16509

For the Defendants County of Erie, Erie County Office of Children and Youth a/k/a Erie County Child Welfare Service, Richard Schenker, Peter Callan, and Debra Liebel
Edmond R. Joyal, Jr., Esquire
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Pittsburgh, PA 15219

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For the Defendant John A. Onorato, Esquire:
Mark R. Lane, Esquire
Dell, Moser, Lane & Loughney, LLC
525 William Penn Place, Suite 3700
Pittsburgh, PA 15219

I N D E X

WITNESS: ABBY B. CONLEY

EXAMINATION BY:	PAGE:
Mr. Joyal	5, 391
Mr. Lane	329, 404
Mr. McNair	380

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P R O C E E D I N G S

(10:39 o'clock a.m.)

ABBY B. CONLEY,

the witness, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. JOYAL:

Q. Please state your name.
A. Abby Arlene Belinda Conley.
Q. Spell your last name.
A. C-O-N-L-E-Y.
Q. Ms. Conley, my name is Ed Joyal. We met a little earlier. I represent Erie County, OCY, Richard Schenker, the County of Erie, Pete Callan, and Debbie Liebel in a lawsuit that you brought against them in the Federal District Court of Western Pennsylvania, Docket No. 05-CV-76E. To my left is Mark Lane. He represents John Onorato.
Have you ever been deposed before?
A. No, sir.
Q. Ever testified in a proceeding where you've been placed under oath?
A. Yes, sir.
Q. How many times?

A. I don't know, maybe a dozen times, approximately. I'm not sure.
Q. Now, do you know why we're here today?
A. Basically to ask questions.
Q. What we're going to be doing today, ma'am, is what is a deposition. It's similar to your testimony under oath. You've been sworn in. I'm going to ask you a series of questions. Mr. Lane may ask you some as well. These are not to be considered marathons. If you need to speak to Mr. McNair or Mr. Angelone at any time, tell me. The only restriction on that is that if there's a question before you, you won't be able to do that. That's a Federal Rule of Court.
If you don't understand one of my questions, please tell me.
A. Okay.
Q. And we will try to rephrase it so that you do understand it. If you don't tell me you don't understand a question and you answer it, we will presume that you have answered it based upon that understanding. Okay?
A. Yes, sir.
Q. Most important thing that we have to ask you to do is to speak, don't nod your head, shrug

your shoulders. Everything has to be yes or no. That makes it easier for Debi here to take everything down. Okay?
A. Yes, sir.
Q. And one other thing. Please try -- I will do the same, but I'm very bad at doing this -- usually when we have conversations, people tend to finish people's sentences or they interrupt. Let's try not to do that. Again, it makes it easier for the court reporter.
What is your date of birth, ma'am?
A. 11/13/60.
Q. And where were you born?
A. Ridgway, Pennsylvania.
Q. Did you grow up in Ridgway?
A. I grew up in Arizona.
Q. Where?
A. Phoenix, Mesa, Tempe. I lived out there most of my childhood.
Q. And are your parents still living?
A. Yes.
Q. What are their names?
A. Dr. Dan Conley, Sally Ann Anderson.
Q. Are they separated, divorced?
A. Divorced.

Q. What type of doctor is your father?
A. Psychologist.
Q. Does he still live in Arizona?
A. I believe he lives in California.
Q. When was the last time you were in contact with him?
A. I don't know, about six months ago.
Q. Was that by phone?
A. E-mail.
Q. Do you e-mail your dad regularly?
A. Not too often.
Q. Do you have any siblings?
A. One sister.
Q. What is her name?
A. Colleen Ann Conley.
Q. Where does she reside?
A. I believe Colorado was the last I heard.
Q. You've not been in touch with her?
A. No.
Q. Can you tell me, have you ever been married?
A. Yes.
Q. Are you still married?
A. No, sir.
Q. When was your marriage?

A. 1977 to like 1979.
Q. What was your husband's name?
A. John Gaffney.
Q. Gaffney with one F?
A. Two.
Q. And where did you live?
A. Out in Arizona.
Q. Any children?
A. One.
Q. What is that child's name?
A. Joshua Gaffney.
Q. Where does Joshua live?
A. Here in Erie.
Q. Does he live with you?
A. No.
Q. How old is Joshua?
A. Twenty-five.
Q. Did your marriage end in divorce?
A. Yes, sir.
Q. When was your divorce, in 1979?
A. I believe '79 or '80.
Q. In Arizona?
A. Yes, sir.
Q. Were there any allegations in your divorce of infidelity or things such as that?

A. (Witness nodding head.)
Q. No?
A. On --
Q. Either party.
A. I knew that he cheated on me.
Q. That's it?
A. Yeah.
Q. Do you remember --
MR. McNAIR: The question was, was that offered as a grounds for divorce in court filings.
THE WITNESS: We just filed one of those, what is it?
MR. McNAIR: Mutual consent.
THE WITNESS: The easiest.
BY MR. JOYAL:
Q. Breakdown -- irretrievable breakdown of your marriage?
A. Yes.
Q. Something like irreconcilable differences?
A. Yeah.
Q. Did they have in Arizona at that time what's called a no-fault divorce?
A. That's what it was. I couldn't remember

the term.
Q. Do you have any, besides Joshua, your son, do you have any other family members that reside in the area?
A. Yes. My father's side, Shirley Blumish, an aunt.
Q. B-L-U-M-I-S-H?
A. Yes.
Q. Where does she reside?
A. On East Fourth Street.
Q. Here in the city?
A. Yes, sir.
Q. Anybody else?
A. Cousins on that side of the family.
Q. Can you give me their names?
A. Peggy Zalinsky, but she got a divorce. I don't know her last name. Colleen Blumish. Sue Foster. That's it, in the area.
Q. That's in Erie. What about in the area?
A. I have an aunt and uncle.
Q. Any other relatives in the counties in Pennsylvania that abut Erie?
A. No. Peggy lives in Corry. I already mentioned that, Peggy Zalinsky.
Q. That's it?

A. Yes, sir.
Q. So that is the sum total --
A. That I can recall at this time.
Q. How about any other relatives that may live in Western Pennsylvania?
A. No.
Q. Tell me a little bit, if you would, about your education. Where did you go to high school?
A. Mesa High School in Mesa, Arizona.
Q. Did you graduate?
A. Yes, sir.
Q. When did you graduate?
A. 1978.
Q. After Mesa High School, did you go to college?
A. Yes.
Q. Where did you go?
A. To Trip Bible Institute.
Q. Where is Trip Bible Institute?
A. Marion, South Carolina, it's a correspondence course.
Q. When did you do that?
A. The last few years, 2001 to 2003; 2004, approximate.
Q. Was that, you said a correspondence

course?
A. Yes, sir. It's a Bible school.
Q. Is it an internet based --
A. No, sir.
Q. You just --
A. It's a correspondence through the U.S. Postal Service. They give me my studies, I answer them, put them in the mail and the professor corrects them, sends them back with whatever, you know, corrections necessary, and that's it.
Q. Well, when you say -- you mean, do you have to redo the work after they're corrected or is this for a grade?
A. Reiterate, if he felt that something was worthy of reveal, but I carried a 4.0, so I did fairly well.
Q. What type of degree did you get from the Trip Bible Institute? Do you have a degree?
A. I have a master's degree in theology. It's non-accredited.
Q. Non-accredited?
A. Yes, sir.
Q. Is this, if you know, does the Trip Bible Institute also ordain ministers or things such as

that?
A. Yes. I had a ministerial degree as well. They just simply teach the word of God.
Q. And then at some point in time, there's a degree that you get or a certificate or something such as that?
A. Yes, sir.
Q. Is it affiliated with any denomination?
A. No, sir.
Q. So it's a non-denominational Christian, I presume, institute?
A. Yes, sir.
Q. Have you ever spoken to any of the professors down there?
A. Via e-mail.
Q. Via e-mail, but have you ever had a conversation with anyone?
A. No, sir.
Q. So when you get your work back, you get an assignment, you're supposed to do something. You send it down to someone, someone corrects it?
A. Yes.
Q. And then sends you back comments?
A. Yes.
Q. Is that the way it goes?

A. They editorialize whatever mistakes I might have made.
Q. Under what circumstances would you have e-mail conversations with someone?
A. If I had a question or a problem, need explanations.
Q. Just that sort of stuff. Did you have a specific, for each facet, I don't know if that's the right word, I presume there were different courses that you take, for each course, was there an assigned professor?
A. Not really sure. They would just send me lessons in the mail.
Q. And then you would do your study, you would, I presume, write an essay or something, right?
A. I did essays, I wrote up various things, research.
Q. When they would send you your lessons, did you also have to do a test of some sort?
A. Yes.
Q. Was it a form test, or were they essay-type answers?
A. True or false.
MR. McNAIR: Can I ask how this is

relevant to this case?
MR. JOYAL: Background.
MR. McNAIR: It's going well beyond background and we're spending a lot of time.
MR. JOYAL: It's my deposition.
MR. McNAIR: It's completely irrelevant. It's my time as well.
MR. JOYAL: The relevance will be determined by the Court, not by you.
MR. McNAIR: Are you inviting me to ask the Judge now --
MR. JOYAL: You can.
MR. McNAIR: -- if this is relevant?
MR. JOYAL: You can do whatever you want. These are background questions.
MR. McNAIR: Will you please just proceed with the deposition?
MR. JOYAL: Mr. McNair, I have --
MR. McNAIR: The teaching.
MR. JOYAL: Mr. McNair.
MR. McNAIR: The manner in which this school runs its business really is not an issue in this case. This is just a big waste of time.
MR. JOYAL: It may be. We'll find

out whether it is or not.
MR. McNAIR: I can't conceive of any way it is.
MR. JOYAL: The more you talk, the longer it's going to take. We do have seven hours under the rules. I intend to use every one of them if I need to.
BY MR. JOYAL:
Q. So they send you tests back where you do true or false?
A. Yes.
Q. These tests, do you do them in groups, is there someone that proctors you and makes sure you're not looking things up in your Bible or whatever, or do you just do it on the honor system?
A. They encourage you to look it up in the Bible. There's no other ability to -- you have to go through the Bible. That's how the course is geared.
Q. So you have a master's in theology and a ministerial degree?
A. Yes. My ministerial degree has expired.
Q. Why would that be? Why would a degree expire?

A. Because they want you to keep up with your studies. They encourage a continuum, the concept here is that, you know, you never stop learning.
Q. I understand. You have stopped with your correspondence course with the Trip Bible Institute?
A. I've taken kind of a respite right now.
Q. When was last time that you were involved with doing any course work there?
A. Last year. I'm not really sure what month.
Q. Do you remember when it was that you got your degree, your theology degree?
A. June of 2004, June or July. That's a guesstimate.
Q. Would it have been at that point in time that you took your respite from the studies?
A. Yeah. I started looking at a thesis subject. I have my thesis approved, my thesis subject approved.
Q. Which is what, ma'am?
A. Denomination and religion is going to be the subject matter.
Q. Does that lead to another type of degree?

A. A Ph.D., yes, sir, a doctorate in theology.
Q. A doctorate in theology from this Bible institute?
A. Yes, sir.
Q. Have you had any other education after high school besides the Trip Bible Institute?
A. Various trainings, you know, throughout the course of my life.
Q. Well, we'll get into that in a minute. I mean, any other course work at community colleges or anything such as that?
A. I did take a course -- gosh, it's been so many years now, I've taken a typing class at Mercyhurst, and I took different classes through -- they actually did like training, it was a college course type training at Mesa Association for Retarded Citizens and they sponsored education and behavior modification, mental development, values working in social services.
Q. And how did you come -- you said the Association of Retarded Citizens sponsored these courses?
A. Yes, out in Arizona.

Q. In Arizona. How long have you been in this area?
A. Since 1980 -- I want to say '85, '86.
Q. So you came when you were 25, 26 years old?
A. Yes, sir.
Q. When did you take these courses out in Arizona?
A. Prior to that, I would say through -- my son was born in 1980. I don't know, '79, '80, '81, '82.
Q. You used your son's birth as a benchmark here?
A. Yes.
Q. Is your son mentally disabled?
A. No. I just was very pregnant when I took on that job and when you get to be my age, you look at things in landmarks. I remember being pregnant and -- yeah.
Q. I understand. Did you work for the Association of Retarded Citizens in Mesa?
A. Yes, sir.
Q. What did do you there?
A. I was a residential manager.
Q. So these courses that they gave, or these

trainings, were to help you do that particular job, is that right?
A. Yes.
Q. Anything else in terms of training?
A. Just through, you know, my job, various trainings, like, for instance, the office of children and youth would have specific trainings. There was always, you know, a higher education type thing.
Q. Would it be -- maybe what we'll do, then, is go through your employment history and you can tell me for your jobs what type of training you had. Okay?
A. (Witness nodding head.)
Q. We know when you were in Arizona you worked for the Association of Retarded Citizens, is that right?
A. Yes, sir.
Q. How long did you work for them?
A. Gosh, from -- I want to say '79 to '85, '90. I don't know. I would have to -- oh, gosh, that's hard. I was there for quite a while.
Q. Well --
A. At least six or seven years.
Q. Let me see if I can help you. You told

me that you came here in about '85.
A. Yeah.
Q. So does that -- did you work for the retarded citizens organization, finish with them prior to coming here?
A. Yes. I moved to New Hampshire first for a small period of time, and then moved here.
Q. Where in New Hampshire?
A. Salem, Manchester. Actually, Salem was interim. We moved to Hillsborough, a town in New Hampshire, and then lived in Manchester -- Hillsborough, a town outside of Manchester, and then Manchester.
Q. I understand. Did you have a job when you were in New Hampshire?
A. Briefly I worked for an organization also ironically enough called Manchester Association for Retarded Citizens, it had the same acronym as Mesa Association for Retarded Citizens.
Q. MARC, M-A-R-C?
A. Yes.
Q. Did you do the same type of job, did you do a residential program there?
A. Yes.
Q. How long did you live in New Hampshire?

A. A year, year and a half.
Q. Were you divorced at that time?
A. Yes.
Q. You were with your son?
A. Yes.
Q. And then you, after you left New Hampshire, you came here?
A. Yes.
Q. Is that correct?
A. (Witness nodding head.)
Q. What was your first position of employment here?
A. Upjohn -- actually, I bartended for a while when I first moved here and then I worked for Upjohn Home Health Care.
Q. What did you do for them?
A. Private health care for senior citizens.
Q. And your job duties were what?
A. Basically assisting them in -- whatever manner they needed, cleaning, personal hygiene, going to the grocery store, helping them pay bills, basically life issues.
Q. Were you an aide of some sort?
A. Yes.
Q. What was your job title?

A. Nurse's aide.
Q. Did you have any training in that by Upjohn?
A. Yes.
Q. What did they train you in?
A. Actually, I received training out in Arizona. I received -- I forgot about that. I received a nurse's aide certificate through Mesa Community Hospital.
Q. And then how long did you stay with Upjohn?
A. They ended up changing names, going to Beverly Home Health Care.
Q. And did you stay with them?
A. For a little while, yeah, about a year and a half.
Q. And then what happened?
A. Went to Human Development of Erie, which is an organization, was an organization for retarded people, too.
Q. What did you do for them?
A. I was a residential manager.
Q. How many years or months did you work for them?
A. I don't know, five years.

Q. Five years?
A. Yes. Approximate. I should have brought my résumé. It has all the dates on it.
Q. We'll just ask you for your best memory.
A. Okay.
Q. What were your duties as residential manager for Human Development of Erie?
A. To administer medication, personal hygiene, assist in life skills, you know, social skills, vocational aspects. That's something else I did out in Arizona as well, in my capacity as a residential manager, just in management, it depends on the function level of the clients, but to assist them in all aspects of life, you know, life skills, values, vocational, those kind of things.
Q. Now, my experience years ago with residential living for mentally retarded folks as well as people with cerebral palsy was that there was always a manager on site.
A. Yes.
Q. Did you live in the group home -- was it a group home?
A. Yes.
Q. Or apartment?

A. It varied. Out in Arizona, I was a manager of an apartment complex with higher functioning clients. Here in Erie, I managed an apartment for higher functioning clients and I also was a residential manager for lower functioning, and then the higher functioning, you don't necessarily -- I didn't necessarily stay there.
Q. So at some clients, you stayed. Now, was that -- you slept in the facility?
A. Yes, sir.
Q. Where did your son stay at that point?
A. He would stay with the babysitter or with me, depending.
Q. And you weren't there five days a week sleeping over, were you?
A. It varied. Their shifts would vary. Sometimes I would, you know, I would have to manage staff as well, so they would do relief. Usually I would work at it somehow that we would have two consecutive days off.
Q. How many staff members did you have on average?
A. That varied as well, too. There was three or four, you know, residential staff.

There would be some people that would come in and do cleaning. It just varied.
Q. Do you have an approximation of what year you left that position?
A. That would have been in '90.
Q. Why did you leave?
A. Because of problems that I saw there. I came to work for the County.
Q. Tell me, if you would, what problems did you see at Human Development of Erie?
A. Corruption, and just the policies weren't being fulfilled and the staff there, we tried to form a union and the union ended up not going through, and we, you know, tried to do what we could to like help it out, and...
Q. Help what out?
A. Help out the stuff that was going on, like there was thefts in the group homes and --
Q. Deaths?
A. -- we told authorities about it, and they came in and the Department of Public Welfare caught them and set a provisional license and...
Q. Let me back up a little bit. You first talked about corruption. Tell me what you meant by that.

A. Corruption in the sense that it wasn't being ran the way it was supposed to.
Q. Now, you were a management person there? Is that right?
A. Yes.
Q. And so are you saying that, when you say it wasn't being run the way it was supposed to, did you have any evidence that people were taking money that was intended for clients?
A. Well, actually, it was a global concept that I wasn't -- I wasn't responsible for gauging that. The staff saw what they saw. I mean, they all worked in their perspective homes. It was a global consciousness, if you would.
Q. I'm not -- I really want to talk about your piece of this, your knowledge.
A. Okay.
Q. So you were a supervisor or manager of various facilities or homes, is that right?
A. Yes.
Q. So tell me what happened in your -- what your personal knowledge was that would lead you to tell me that one of the reasons you left was because of corruption.
A. I'm sorry. I don't understand your

question.
Q. Well, do you understand what the word -- define for me, if you would, what you mean by corruption so that we all know what you're talking about.
A. Corruption to me is when there's a set standard of policies, rules, laws, if you will. For instance, stealing would be considered something that would be wrong. So when someone steals and the law says that you're not supposed to steal, if you're stealing, that behavior would be corrupt. It would be wrong. It would go against the law or the policy that is established.
Q. And tell me some other things. Would lying be considered corruption, as far as you're concerned?
A. Yes. Absolutely.
Q. So tell me, now that we know the definition that you're dealing with, tell me what, in your experience, what personal knowledge you had that there were laws being broken?
A. That really wasn't up to me to -- I was not -- I was not the mouthpiece of that. It was collectively a group, you know, they came to me

and we went to county council and told county council and, I mean, I can't speak for all those people at that time. There was just a lot of complaints.
Q. But, Ms. Conley, you were the one that just used the term corruption, defined as breaking the law. You said you weren't the mouthpiece, but that people came to you with complaints. Now, I presume that you were one of the people who was a spokesperson for those complaints?
A. Actually, I believe there was 26 of us that came forward and told county council our perspective stories. I think, you know, like in my particular category of vision, I can only speak for what I saw going into a particular foster home, there wasn't food, and we talked about that, and subsequently the Department of Public Welfare came in and gave them a provisional license. The matter was cleaned up as a result of what we did. We told the truth.
Q. Did all of the 26 people that were part of this leave the agency?
A. No.
Q. You left the agency.

A. Yes.
Q. When you say that you had this knowledge of foster homes, were they in reality foster homes?
A. I think they call them group homes.
Q. Well, you know the difference. A foster home is something that has a precise definition in county government, right? That's where a child, someone is placed into a home?
A. Yes, sir. If I said foster home, it was a slipup on terms.
Q. I just want to make sure we understand, and the word is, you were talking about the group homes.
A. Yes, sir.
Q. Or the residential apartment facilities, right?
A. Right.
Q. Now, when you say you went into one of those and saw no food, was that in the ones that you managed?
A. No, sir. When I was working in the capacity of -- because, you know, I didn't just walk in and become a resident manager. You kind of work -- I worked as a staff at different group

homes or what have you.
Q. So you started -- you didn't start with this organization as a manager. Even though you had the experience in Arizona, you came in and worked as a staff person.
A. Actually, I think what I did was I was a residential -- I started as just a staff, went to residential management, worked some more of the homes as like a relief staff, and you can work in different capacities, you're not just narrowed down to one specific -- and I think I wrapped up as a resident manager.
Q. Now, when you went to county council with your complaints, were you a residential manager at that point in time?
A. Yes. I believe I was.
Q. As a residential manager, had you observed any of these homes that didn't have any food in them? As a resident manager, not as a staff person.
A. Not in that particular window of time.
Q. Well, then, would it be fair to say that as far as that particular allegation or observation you made, that would have been something that you made prior to your being a

resident manager?
A. Yes. I knew that there was some consistency as far as, you know, what was going on. Staff talked to each other. We worked -- even though we worked in separate homes, we would collectively come together constantly in different synopses for training, meetings, what have you, so it was kind of like the community of staff.
Q. And did this community of staff, when these complaints were made, were there any -- the investigation was done, I presume, by the County?
A. The Department of Public Welfare came in and, you know, saw what was taking place.
Q. Now, do you know whether or not the Department of Public Welfare, when you talk about a provisional license, did they license each individual facility or did they license the Human Development --
A. The H&C itself.
Q. To do what.
A. To provide residential treatment for developmentally disabled people.
Q. Now, at any point in time were the facilities that you managed as a resident manager

short of food?
A. Absolutely not.
Q. And at any time were any of the facilities that you were a staff member on short of food?
A. I'm sorry?
Q. Were any of the facilities that you worked in as a staff person, were they short of food?
A. Yes.
Q. And what did you do about that?
A. We collectively reported it.
Q. I'm asking what you as an individual did.
A. Reported it.
Q. To whom?
A. To the supervisor.
Q. And what happened after you would report it to the supervisor?
A. I don't know. That's beyond my...
Q. Job title?
A. Yes.
Q. Whose job would it have been to make sure that someone went shopping for food for the people in the facility?
A. Residential manager, assistant manager.

Q. And would this assistant manager and the residential manager go by themselves, or would they take a staff person?
A. I don't know.
Q. You don't know?
A. I would assume.
Q. You never went shopping?
A. I did, but you're asking me what they did. I don't know.
Q. Well, how many facilities did Erie Human Development operate?
A. I believe -- I don't know. Maybe ten foster homes at that time.
Q. And you were familiar --
MR. McNAIR: Did you mean group homes?
THE WITNESS: Group homes. I'm sorry.
BY MR. JOYAL:
Q. And you were familiar with how many of those group homes?
A. Probably I worked at almost all of them in some capacity.
Q. And other than what staff members were telling you in places that at that point in time

you didn't work in, what other familiarity did you have with the facts? In other words, someone came to you and said, we have a problem in my facility, you were residential manager. Did you go and check it out, did you talk to the resident manager?
A. That was not my capacity.
Q. Well, let me ask the question this way, then: Would a staff person, let's just say a regular line staff person, if I can call them that, came to you and said, Abby, in my facility, this is going on. Now, you were a colleague on the same line of responsibility as that resident manager, weren't you?
A. Kind of, yeah.
Q. I mean, if I were looking at an organizational chart, there would be facilities, there would be resident managers, there would be assistant resident managers, and then there would be staff. And if we were talking about boxes, your name at that point in time would be in the resident manager's box, is that right?
A. Yes.
Q. And you as the resident manager would, I presume, get together at a certain point with

upper management to talk about the functioning of your homes, is that right?
A. Yes.
Q. So when you were told by a staff person that a facility that was being managed by someone else came up, would you talk to that person and say, one of your staff people just came to me and said there's a problem?
A. No, I would not.
Q. Why not?
A. Because that would not be my position.
Q. Were these not colleagues of yours, and friends?
MR. McNAIR: That's argumentative.
MR. JOYAL: It's not.
MR. McNAIR: She's answered the question.
BY MR. JOYAL:
Q. Did any one of your staff report your home to anyone?
A. No.
Q. Are you sure of that?
A. I'm not sure of it.
Q. And if someone from your staff had gone to another resident manager, would you have asked

that person at some point and found out about it, why they didn't come to you to speak about it?
MR. McNAIR: Objection. Calls for speculation.
MR. JOYAL: She can answer.
MR. McNAIR: I didn't say she couldn't.
MR. JOYAL: I know.
BY MR. JOYAL:
Q. Please answer my question. If someone from your staff had gone to another resident manager and reported a problem that they perceived in your facility, would you have not gone to that person, staff person, and asked why they didn't report it to you?
A. How would I know if that staff person went to that person? Are you saying that other manager is going to come and talk to me?
Q. Right. You got wind of the fact that someone from your facility had gone to somebody else and talked to them.
MR. McNAIR: And there's no foundation for that. She has denied that ever happened.
MR. JOYAL: She said to me --

MR. McNAIR: It calls for speculation.
MR. JOYAL: She answered she didn't know.
MR. McNAIR: Right. There is no foundation --
MR. JOYAL: Fine.
MR. McNAIR: -- for that, you're asking her to speculate. I'm objecting to the form of the question because it calls for speculation.
BY MR. JOYAL:
Q. You can answer it. If that had happened, would you have gone to your staff person and asked them why they didn't come to you to discuss it?
A. Yes, definitely.
Q. Well, then, why did you not, when some staff person from someone else's place came to call you, why didn't you discuss it with their boss?
A. I would go to my immediate supervisor. That would not be within my realm. I would be -- that would be a coworker. That is not in my capacity to confront them on how they're doing

their job. If I heard something that was a call for concern, I would go to my supervisor and report it. I wouldn't necessarily talk to that person about it. Why would I reprimand them or approach them or confront them when I work in the same capacity.
Q. Well, I wasn't -- you know, you're using the terms reprimand, confront or whatever. I'm asking it in this way. You would not approach them and say, one of your people came to me as a friend or colleague?
A. I suppose I would, you know, maybe under the right circumstances, if I knew that staff person really well. In the particular case, Human Development, there were staff, they had a large turnover rate.
Q. What about the resident managers as opposed to the line staff? Did you know there was a high turnover rate there, also?
A. It's not like I knew these people really well. Yeah.
Q. How many times did you go to your immediate supervisor to express complaints that other staff people made about their managers?
A. Countless. It was a global reality.

They had heard complaints, we talked about concerns, that was kind of ongoing. They knew that there were problems.
Q. And so you at that point in time, that was one of the first times that you had begun or done things where you were reporting what you considered to be wrongdoing. Is that right?
A. Yes.
Q. So this would have been prior to 1990?
A. Yes. Around that time.
Q. So you would -- am I correct in understanding that you felt that at that point prior to 1990, when you went to work for the County, that you were reporting a wrongdoing of some sort of corruption, is that right?
A. Yes. It was wrongdoing. We had concerns. I think that if you have concerns, you need to bring them up. You don't remain silent. You talk about it and try to resolve it.
Q. But you used the term for me corruption. That's what I want to focus on. Did you believe that you were reporting more than concerns, that you were reporting some sort of wrongdoing or corruption?
MR. McNAIR: I would ask you to be a

little more specific.
Q. When you went to county council with your 25 colleagues, did you believe that you were reporting some sort of wrongdoing by Human Development of Erie?
A. When we went to county council, I'm not sure if there were all 25. There were 20 some people that collectively had a meeting. I forget how many people went to county council, and they asked us questions and we told them answers. We saw what was going on, talked to them about it, they approached it. They thanked us for coming because if you don't know there's a problem, then you can't correct it. That was the theory at that time.
Q. I understand, and I commend you for that. My question to you, though, is when you were one of those people being asked questions by county council, you as an individual, because I'm sure you can't speak for the other people, did you believe at that point in time that you were reporting wrongdoing or corruption to the county council?
A. I believe it was wrongdoing.
Q. Now, you went to work for the County in

1990?
A. Sometime after that, yes.
Q. What was your first position with the County?
A. Per diem, doing data entry, the 911 center.
Q. Per diem means that you had a temporary position.
A. Yes, sir.
Q. How did you get that job?
A. I applied for it.
Q. Do you know a person by the name of Judy Lynch?
A. Yes.
Q. When did you first meet Judy Lynch?
A. Mid '80s.
Q. Did you ever work on any of Judy Lynch's political campaigns?
A. Yes. After I was hired in the County, I did.
Q. After you were hired in the County. But you knew her before you got hired in the County?
A. I didn't know her know her. I knew of her, because I was involved in politics.
Q. My understanding is that you ran for the

city council here in Erie?
A. I ran for city council quite a few times.
Q. How many times?
A. I would say six, seven. I lost count.
Q. You lost count?
A. Yeah. I almost got in the last time. I was elected in '94 to the Pennsylvania Democratic State Committee, and the Democratic party is like a family here.
Q. What year was that?
A. 1994 I was elected.
Q. Now, prior to that, had you and Judy Lynch, had you met each other?
A. We knew of each other, yeah.
Q. You knew of each other?
A. Really, in politics, you're not really friends, you're just associates.
Q. Sometimes there are friendships that build up in politics.
A. Sometimes. Politics is a different kind of reality.
Q. Well, I guess it depends on where you are, is that right, what city or what level you're talking about?
A. Yeah.

Q. Because politicians do have friends.
A. Yeah. That isn't what -- I didn't mean politicians didn't have friends. I mean that, you know, sometimes within the Democratic party, you can have, what should I call it, allegiance to a particular philosophy and, you know, if they support one candidate and you support the other, you know, they're opponents, if you have a couple Democrats running in the same race, then you become divided very quickly. So that's the nature of the beast.
Q. Well, part of it is loyalty to individual people, correct?
A. Yes.
Q. You become loyal, you may not be their friend, but you're always there when their campaigns are there, right?
A. (Witness nodding head.)
Q. So prior to your going to work for the County, you did not work for Judy Lynch's campaigns?
A. No, I don't think I did. It was after -- it was after I was hired, and I worked, you know, in a general capacity, not, you know, I wasn't stuffing envelopes. When she ran for Congress, I

helped her.
Q. I forgot to ask you, who was your supervisor at Human Development of Erie organization?
A. Lois Schultz.
Q. S-H-U --
A. S-C-H-U-L-T-Z.
Q. Did you have a, and I'm going to use the term, and I'll define it for you, I had a conversation with Judy Lynch some time ago on another case and she told me about how Erie County government worked and how people got hired and people were moved from one position to another. When you applied for your job at the 911 center, that was in a county position?
A. Yes.
Q. Did you have a sponsor of any type, did you have someone that directed you to, that the job was open?
A. The cork board in personnel.
Q. So you saw that on the cork board in personnel?
A. Yes.
Q. So had you gone into the courthouse one day and saw the position?

A. Yes.
Q. Did you have any acquaintances on the county council that you may have contacted to ask for their help in getting you that job?
A. No.
Q. You didn't ask Judy Lynch for any help?
A. No. She encouraged me to, once I left Human Development, because, you know, it came out that Human Development had major issues, she was very grateful in a sense, because at that time the MHMR part of government was, I don't know, like had a budget of 40, 41 million, and, you know, she said, you know, that I was right for coming forth. We all were right for coming forth and doing the right thing. Evil flourishes when good men do nothing. She wanted me to continue, you know.
Q. Continue to do what?
A. To strive and, you know, she said definitely apply for jobs, and she rallied behind me and supported me.
Q. So the first job that you applied for in the county that you knew of was a data entry person for the 911 center?
A. Yes, sir.

Q. Were there no jobs in the Erie County Human Services organization that Ms. Lynch --
A. I applied everywhere. I applied everywhere.
Q. You said Ms. Lynch encouraged you to strive. Did you get the impression that she was going to be there for you, to help you, should you need her help?
A. Yes.
Q. And did you inform her at any time when you were applying for these various positions that you were doing that?
A. Yes.
Q. So you were looking for Judy Lynch to, in effect, help you because she had encouraged you and thought that you had done the right thing.
A. I don't know necessarily help as much as -- I think that there was kind of a kinship there that had sparked.
Q. Kinship?
A. Yes.
Q. And so when you saw a job in an agency, you would contact Judy Lynch and tell her that you were applying for that position.
A. No. Not necessarily.

Q. I got confused. How would you and Judy Lynch talk about these jobs that you knew about?
A. In the context, you know, I think we had maybe two or three conversations that she wanted me to continue. It was just, you did the right thing, and she wanted me to, you know, not be without a job, and encouraged me and she was happy that we came forward. It was a stressful time for everybody involved. County council members did the same thing Judy did, you know, they thanked us, if it weren't for us coming forth and telling the truth, this agency would have perpetuated at what it was doing. And because of coming forth and doing the right thing, they came in and everything that we had told them, with an exception of one, I think, allegation that was brought up, I forget how many allegations there were, county council was very pleased with the group and said we exemplified what people should do under those circumstances, and they did the same thing Judy did, you know, don't, you know, don't be discouraged and, you know, supported us.
Q. But I think you said some of your colleagues stayed in their positions.

A. Yes.
Q. And you left yours.
A. Yes.
Q. Did you resign or were you terminated?
A. I was definitely terminated.
Q. You were terminated by Erie County Development?
A. Human Development, yes, sir.
Q. Did you sue them?
A. No. I would not do that.
Q. You would not sue them --
A. No way.
Q. -- for terminating you?
A. No way. It was a nonprofit organization and the way that I viewed it is that those clients that we want to help, that was their money, and I would not sue someone -- we wanted to help them, you know, and to turn around and sue a nonprofit organization, you know, I didn't even examine that. I cut the losses. I did the right thing and I walked away.
Q. What was their reason for terminating?
A. I think it was pretty obvious, because I told on them.
Q. Well, is that the reason that they gave

you, they said because you told on them?
MR. McNAIR: You're asking for their stated reason?
MR. JOYAL: Yes.
A. They just said they had gone through my files at work -- I forget their specific allegations. I really don't remember. They had gone through my filing cabinets and basically, you know, they were really angry.
Q. Well, did they say they found things in your filing cabinets that shouldn't have been there?
A. No. They said that -- I forget what they said.
MR. McNAIR: She has already answered the question. She doesn't recall.
A. I really don't recall. That was something that was not -- they didn't like the fact that I went to county council.
Q. Did they fire anybody else that went to county council?
A. No.
Q. You were the only one?
A. No. There were other people after that that systematically got the boot, and then the

County -- the executive director, Lois Schultz, ended up leaving her capacity.
Q. But my question was, at that time that you all went to the county council, were you the only person that they terminated?
A. No.
Q. Who else?
A. I don't remember everybody's -- I didn't really stay in contact. I just heard that they systematically went after the people that were involved in going to county council, but then shortly after that, the director was taken out, and from what I understood, it stopped. But I didn't work there --
Q. The firings?
A. Yes.
Q. How long were you at the 911 center?
A. Five, six years.
Q. Doing the same job all the time?
A. Data entry, and then I worked as a call taker.
Q. As a call taker?
A. Yes, sir.
Q. And you left that position?
A. When I transferred out and went to the

health department.
Q. Now, so your recollection is that you went from the 911 center to the health department.
A. Yes, sir.
Q. And you said five years. So that would have been like in 1995?
A. There about, yes. Well, '96, maybe.
Q. '95 or '96 you went to the county health center?
A. I'm not very good at recalling dates.
Q. That's fine. I'm just asking you your best recollection.
A. Maybe it was after that.
Q. Could it have been in 1998?
A. Yeah. That sounds better.
Q. So you were at the 911 call center for eight years.
A. It was under that. I think I was per diem for a year, two years, and then that is where the difference is, because I worked per diem, and then I worked full time and then went to the health department.
Q. Were you in a union?
A. Yes.

Q. What union were you in?
A. AFL/CIO, AFSCME.
Q. AFSCME?
A. Yes.
Q. Was there a specific -- it was just an AFSCME chapter?
A. 2666.
Q. And when you said you transferred to the county health department, how did that take place? Did you bid on a job?
A. Yes. That is the process.
Q. Did you talk to Judy Lynch about that?
A. No.
Q. Did you make it plain to anyone or did people that worked in these departments know that you had a relationship or kinship with Judy Lynch?
A. They knew I was in politics.
Q. Did they know you had worked on her campaigns?
A. I don't know.
Q. You don't know? Do you know whether any one of these people, let's say in the county health department, when you were applying for the job, felt that, you know, you had the support of

Ms. Lynch to get that position?
MR. McNAIR: You're asking her if she knew how people in the health department felt.
MR. JOYAL: I'm asking her if she knew whether they did or not.
A. I have no idea.
Q. Did you ever use Judy Lynch's name as a reference in your applications?
A. I could have.
Q. And that would be something in county government that people would do all the time, right, they would use politicians to help them get other jobs?
A. Or people that they knew in the building. I could --
Q. But you may have used the county executive's name to help you, right?
MR. McNAIR: Object to that. It's vague and ambiguous.
Q. You just told me you may have put Judy Lynch's name down as a reference.
A. I may have. I don't recall.
Q. At that point in time Judy Lynch was the county executive, is that right?

A. Yes.
Q. She was the county executive for like 22 years, wasn't she?
A. Yes.
Q. So if you put Judy Lynch's name on a county application, people who read that application would know that you used Judy Lynch as a reference. Is that right?
A. Yes.
Q. And they would have then known that people don't just put Judy Lynch's name down on job applications, do they?
A. I don't know.
Q. Well, if you didn't know her, would you have put her name down as a reference?
A. If I didn't know her?
Q. Yes.
A. No.
Q. So you may have used Judy Lynch's name in your application to transfer to the county health department, is that right?
A. Well, actually, the application, you only fill out one application. It would have been a bid form, and I don't see myself putting her name on a bid form, because there's not an allocated

spot for that.
Q. And you don't see yourself maybe having told somebody or making a call to Judy Lynch's office about that?
A. No. I didn't do that.
Q. What did you do for the county -- are you sure you didn't do that?
A. I'm fairly confident.
Q. What did you do when you went to work for the county health department?
A. I was an outreach specialist.
Q. What was that, what does that mean?
A. Immunization outreach specialist. Basically went to different clinics to do vaccines for childhood immunizations.
Q. Let me go back to your 911 job. Did you ever have any disciplinary action taken against you there?
A. I believe one time one of my coworkers complained about -- I had foot surgery, she complained about me, I don't know, that I had a bandage on my foot and I was picking on it. I remember she filed a complaint, but...
Q. You were picking on the bandage on your foot and she filed a complaint?

A. The tape fell off and she was saying that I picked my foot.
Q. So that was one complaint. Did they discipline you for that?
A. Well, she just filed a complaint. It wasn't necessarily discipline. But I know that she complained.
Q. Did anybody talk to you about that from the management?
A. Yes.
Q. Who was it?
A. I believe Marianne Powers.
Q. And was that the only time that Marianne Powers or a manager from the 911 ever had a conversation with you?
A. One other time when I used the phone on my break, I was disciplined for that.
Q. Personal use of the telephone?
A. Well, it was on my break, but I used the wrong telephone is what the complaint was.
Q. Anything else?
A. No.
Q. Were you encouraged by anyone at the 911 call center to apply for that job at the health department?

A. No.
Q. Were you ever threatened with termination at the county 911 call center?
A. No.
Q. Did anyone ever talk to you about inappropriate behavior?
A. No. Not that I recall.
Q. Not that you recall.
A. No. Besides, you know, the lady that I worked with, you know, we had a discussion, but it wasn't something that it was about inappropriate, it was like two sides of the story and it was cleared up and that was it.
Q. Tell me what was the story, what were the two sides of the story?
A. She said I was picking my foot and I put a band aid on my toe. It was really small.
Q. So you were back to the foot damage?
A. Yes.
Q. I'm talking about, was there anything else?
A. That would be qualified as inappropriate behavior, in her terms, but there was two sides to that story.
Q. And you straightened it out and

everything was fine?
A. Yeah.
Q. What year was that, do you know?
A. I'm not really sure.
Q. Was it at the beginning of your tenure or more toward the end?
A. Toward the end.
Q. What about the telephone incident, was that at the beginning, middle, or towards the end?
A. Towards the end.
Q. And how long did you work for the county health department?
A. For a year.
Q. Until 1999?
A. Yes.
Q. And --
A. Close to 2000.
Q. And were you always an outreach specialist?
A. Yes.
Q. What was your boss's name?
A. Shar [redacted].
Q. Had you ever been disciplined or written up or counselled by Shar [redacted]or any of the

other management at the county health department?
A. No. Not disciplined.
Q. Had you ever reported any of your coworkers for any violations while you were there?
A. No.
Q. When did you start working for OCY?
A. '95 -- I'm sorry, it would have been 2000.
Q. Did you go from the county health department to OCY? Or did you have a stop in between?
A. I had a stop in between.
Q. Who did you work for in between?
A. I took a leave of absence.
Q. Were you ever, during the time that you were with the county health department, did you, I believe I asked you this, and I want to make sure I understand your answer, did you ever complain about any of your coworkers' behavior?
MR. McNAIR: When you say complain, do you mean lodge a formal complaint in writing?
MR. JOYAL: Lodge a formal complaint.
MR. McNAIR: Did she say to the

boss, somebody is being a jerk today? I'm not sure what you mean.
A. Yeah, in that case.
MR. JOYAL: We'll do either way.
A. I think that there were definitely times where I talked to my supervisor, if there was conflicts or problems. That is the nature of -- I didn't file any official complaints against anybody.
Q. While you were at the county health department, were you ever called to task or counseled or disciplined for inappropriate use of the computer system?
A. My supervisor did question one day if I was using the internet.
Q. Did anybody ever talk to you about writing things or generating either oral or written comments about coworkers' personal lives?
A. Hum-mm.
Q. No? Nothing like that, no one ever came to you and said that you were spreading rumors or gossip about them?
A. I think that there was -- one of the nurses thought that I said something about her husband and it was not true.

Q. Tell me who the nurse was and what you thought she --
A. I don't remember her name. Linda something. And that I did something, and it wasn't me.
Q. Was it Linda Herbert?
A. Yes. That was her name.
Q. That was her name. And was it about her husband?
A. Yes.
Q. What was it that she thought you said about her husband?
A. That he cheated on her.
Q. And did you leave a message on her answering machine?
A. That was Sarah Johnson.
Q. You left a message on Sarah Johnson's machine?
A. No. Sarah Johnson was the switchboard operator. That was definitely not on company time. Sarah was -- my father was here and they were, I guess, involved, and Sarah --
Q. Sarah what?
A. Sarah had been seeing my father.
Q. What was the message that you left on

Sarah's machine?
A. I was really angry at Sarah, because I was like really depressed, and she basically reamed me out and, you know, that I shouldn't be depressed and, you know, making kind of like moral judgments against me and I was really taken back by the things that she said and, you know, who was she to make moral judgments against me when she is dating my father. She really made me angry.
Q. Do you remember writing a memo that said if you see Sarah Johnson, kick her ass?
A. No.
Q. Do you deny writing that memo?
A. I don't recall anything like that.
Q. Was it Sarah Johnson whose -- so was she married?
A. She was married, yeah.
Q. Did you leave a message on her answering machine at home about something?
A. That was the message, it was about my dad. She was dating my dad.
Q. Was this in 2000?
A. It would have been right before I went to OCY.

Q. Let me strike that. Do you have a recollection of being in the Erie County Courthouse and telling people that Sarah Johnson had given your father AIDS?
A. No, I didn't say that.
Q. Do you know --
A. That's not what I said. I was talking to a union steward about it.
Q. And you mentioned Sarah Johnson's name?
A. Actually, the union steward brought up Sarah Johnson's name.
Q. And did you make any comments that Sarah Johnson had done anything either, like that, had given your father AIDS or someone's father AIDS?
A. I said my father went to the health department and had a test for AIDS.
Q. And this was in the context of his relationship with Sarah Johnson?
A. No. That was, my father had to go to the health department.
Q. Who did you tell that to?
A. To the union steward.
Q. Why would you have told something like that about your father to a union steward?
A. Because I was talking to her in

confidence and as a friend. I was really sad.
Q. Who was the union steward?
A. Mary Ann -- I forget her last name. Mary Ann -- I can't remember.
Q. Did anyone ever tell you, did you ever accuse anyone of having a lesbian relationship, a supervisor and a staff person?
MR. McNAIR: Are you asking, falsely accuse?
MR. JOYAL: No. I'm asking if she ever accused anyone.
MR. McNAIR: I don't know what you mean by that.
BY MR. JOYAL:
Q. Two women you worked with were having a lesbian relationship?
A. No.
Q. Never did?
A. Not that I recall, no.
Q. Not that you recall. Do you have a recollection of anyone ever coming to you and saying that you had left a message on their answering machine about them having an affair that their husband heard?
A. That was Sarah.

Q. Sarah Johnson?
A. And Sarah was definitely having a relationship with my father. It really made me angry.
Q. So your anger brought you to the point that you called her house and left a message on her answering machine?
A. Yes. She was not home or I would have given it to her directly.
Q. Did you have any reason that you needed to give it to her over the answering machine, or could you have waited and given it to her when you saw her the next time?
MR. McNAIR: Asked and answered.
Q. That was a different question. Was there a reason why you couldn't have waited to tell her what you thought of her rather than leave a message on the answering machine?
A. Not necessarily, no.
Q. Did you know at the time that she was living with her husband?
A. Yes.
Q. Did you know whether or not she had any children at home?
A. She did not.

Q. She did not?
A. Hum-mm.
Q. But at that point in time there was, you didn't really care, you were so angry that you just left it for anyone to hear, is that right?
A. I left it for Sarah to hear.
Q. And you knew that her husband heard it.
A. I didn't know that her husband heard. That wasn't my intent to tell her husband. It was my intent to tell her that I didn't appreciate her put downs.
Q. Well, what did you say to your father about all this?
A. I was pretty angry with him, too, because their relationship wasn't exactly, I would say under the radar.
Q. Well, so you believed that, what, was there a moral issue for you at that point in time that your father shouldn't be having an affair --
A. With a married woman. I have a real issue with it. And in front of my, you know, coworkers, it was extremely embarrassing to me.
Q. How long did this relationship last?
A. I don't know. Several months.
Q. Well, was he here working or was he up

here visiting?
A. He was up here living.
Q. Was he working?
A. I think that he worked at Gannon for a few months.
Q. Is he a professor?
A. Yeah.
Q. So you left the county health department and went to OCY?
A. Yes, sir.
Q. And you went to OCY as a patient aide?
A. Patient aide. They called it different names.
Q. You were an aide to a caseworker, basically?
A. To all the caseworkers.
Q. To all the caseworkers. Did you work with each caseworker, or did you have a specific unit of workers that you worked in?
A. Initially when we -- when I first started there, it was a -- the case aides were assigned to kind of like globally, and you would take certain cases out of a file. We were under a person named Bill Haine.
Q. Let me ask you this: Why did you leave

the county health department?
A. Well, in lieu of the fact that my father was having an affair with a woman that worked there, I wasn't real happy and just really needing to move on.
Q. Did you bid for this job, or did you have to fill out an application?
A. I bid on the job.
Q. But a bid on the job also entails filling out an application of some sort, right?
A. The application is already on file.
Q. Well, how would someone at OCY know that you had the qualifications to do the job that you were bidding on if you didn't have to fill out some sort of application that would indicate what your skill level was?
A. Because I was already a county employee. The application is on file. So you just fill out a bid form and apply for whatever job it is.
Q. As part of the bid form, would there be some place where you could put any additional training that you may have had since you had started working for the county?
A. Yeah, because the bid form is -- replicates what the posting says, like, I forget

the order of it, you know, like the basic qualifications, that you graduated high school, that you, whatever, and the categories just match.
Q. So you bid in for a job. At that point in time, this was 1999 or 2000, did you use Judy Lynch's name at that point in time as well?
A. I don't know.
Q. You don't know?
A. No. I didn't -- you don't -- there is no place on the bid form to do that. I don't think that there is. No.
Q. Now, when you went to work for OCY, you were given some training, right?
A. Yes.
Q. And part of your training was they gave you a bunch of policies and things and told you what the policies were on confidentiality and things like that, right?
A. Right.
Q. Did they also tell you about things you could and couldn't say and who you could say them to?
A. I don't recall anything like that. It's pretty general information, they kind of like

have a packet, you go through and --
Q. They have these policies and stuff in them, is that right?
A. Yes, sir.
Q. Now, let me ask you another question, because I'll get back, now that we have you at OCY, let me ask you this: Let me ask you some questions about your medical history.
Have you ever been hospitalized?
A. Yes.
Q. When?
A. A couple times for, I don't know what year, lung infection, pneumonia, my depression.
Q. And did your depression lead to psychiatric treatment?
A. Yes.
Q. Were you --
A. Definitely.
Q. Are you still treating with a psychiatrist?
A. Not anymore.
Q. Are you on any types of medication?
A. None.
Q. When did you first start treating with a psychiatrist for your depression?

A. Around that time that I worked at the health department. It was just a series of one, two, three punches. My son taking drugs, you know, my father having that involvement, I was just really sad.
Q. So you went to a psychiatrist?
A. Yes.
Q. Did you take a medical leave of absence?
A. Yes.
Q. Tell me about the hospitalization.
A. They just, you know, talk to you about depression and try to get you back on board so you're not sad all the time.
Q. Were you ever suicidal?
A. Yes.
Q. Did you ever make an attempt to commit suicide?
A. Yes.
Q. How many times?
A. Twice.
Q. Was that while you were at the county health department, or had you tried --
A. Well, I was not on duty.
Q. I'm not asking you that.
A. It was over the weekend.

Q. Over a weekend when you were with the county health department?
A. (Witness nodding head.)
Q. Is that right?
A. Yes.
Q. Had there been, you said there were two times. What about the first -- was that the first --
A. It was all within the same window. It was within like 72 hours. I was very, very depressed.
Q. You called people to tell them that, in effect, looking for help?
A. Yeah. Well, no. I didn't -- I was very sad, very despondent. Got the help that I needed to get and...
Q. Were you ever told by anyone at the 911 -- the county health department that they felt that the quality of your work had started to deteriorate?
A. Towards my -- towards the end, they had made, I don't know, they had made reference to not being real happy, because I was very lethargic and down and out. I don't remember the specifics. I was never written up or anything.

They knew that I was suffering from depression. I told them everything.
Q. And at any point in time, were you provided with medication for your depression?
A. For a while, for a month or so.
Q. Just a month or so?
A. Maybe longer. I ended up getting off of it because it made me sick.
Q. But were you counseling with someone?
A. Yes.
Q. With a psychiatrist?
A. Hanna, whatever his name was.
Q. I didn't ask you this, I don't think, and if I did, I apologize: When did you first start your course work with the Trip Bible Institute?
A. 2001.
Q. 2001?
A. Yes, 2001, 2003.
Q. Prior to that time, had you been involved with the church?
A. Not as much. That is really what helped me get better.
Q. Was your involvement with the Bible institute?
A. Well, just the study.

Q. The church?
A. Yeah, the church.
Q. Did you have a church in Erie that you went to?
A. Yes. I went to First Assembly and I went to Family Worship Center where I work now.
Q. Is that where you work now?
A. Yes, sir.
Q. How long have you worked there?
A. For the last couple months, June.
Q. What are you doing for them?
A. I'm setting up an after school program for inner city children. I'm the director.
Q. What is your salary?
A. Right now, 300 a week.
Q. And is this the first job that you've had since your separation from OCY?
A. I was working in Erie County Farms as well.
Q. Erie County?
A. Farms.
Q. Farms. What is that?
A. It's a grocery store.
Q. And when did you start working for them?
A. March.

Q. Of...?
A. 2005.
Q. 2005?
A. Yes, sir.
Q. Before that. So from October, I believe it was that you separated, until March, did you have --
A. Until September to March, I did not have a job.
Q. And did you collect unemployment?
A. Yes, sir.
MR. LANE: What was the name of the church you're working for?
THE WITNESS: Family Worship Center.
BY MR. JOYAL:
Q. Who is the pastor there?
A. Pastor David Bemis.
Q. At the other church that you went, what was the name of the pastor?
A. Pastor Jack Reisner.
Q. Were you ever affiliated with any Lutheran churches here in Erie?
A. I think that I attended a wedding at a Lutheran church.
Q. I'm talking about to go to the church as

a member of the congregation.
A. No.
Q. I'm going to give you these, because I didn't have time to go through them all and mark them, but I have marked some stuff.
(Conley Deposition Exhibit 1 was marked for identification.)
BY MR. JOYAL:
Q. Let's start -- Ms. Conley, are you okay? Do you want to take a break?
A. I'm fine.
Q. This group of documents starts with Exhibit 1 through 1-I. I want you to take a look at those and tell me if you have ever seen them before.
A. (Witness reviews document.) I can't recall that one. I don't remember seeing these.
Q. Keep going.
MR. McNAIR: You're asking her to go through 1-A to 1-F? Because I believe that's what you --
MR. JOYAL: I thought I said all the way up through G --
THE WITNESS: It's I. I don't recall seeing these at all.

BY MR. JOYAL:
Q. You know, when you started working at OCY, you were trained in the various policies, right?
A. Actually, I was not. What happened is when I first started there, there was just such a shortage of help, I started the ground running. They had assigned me cases, I had training from another case aide on how to do dates of contact. It wasn't geared towards policy, it was geared towards case.
Q. At some point in time before 2004, you had been told about confidentiality of client information and things like that, is that right?
A. I definitely signed a piece of paper about confidentiality, but I don't remember how quick -- how close to my first day that was. It was somewhere in that window that I do recall signing, but I definitely did not get those packets.
Q. But during the course of your employment in the first couple years, it was made clear to you what was the appropriate release of information and what wasn't, is that correct?
MR. McNAIR: Can you be a little

more specific? Who made that clear to her and what, and in what fashion?
BY MR. JOYAL:
Q. Your supervisors told you?
A. No.
Q. Did anyone at OCY tell you that client information was confidential?
A. I don't think anybody told me that. I just -- that's kind of a no-brainer.
Q. So it was a no-brainer. You knew that you weren't supposed to be talking about people?
MR. McNAIR: Objection. That is vague and ambiguous.
Q. Do you understand my question?
MR. McNAIR: I don't.
MR. JOYAL: I'm not concerned about you. I'm concerned about her.
BY MR. JOYAL:
Q. Do you understand my question?
MR. McNAIR: In what regard?
Q. Do you understand my question or do you want me to rephrase it?
A. I would like it if you would rephrase it. I think it's a little bit vague. I don't mean to offend you.

Q. You're not offending me.
Did any of your supervisors tell you about the confidentiality of client information?
MR. McNAIR: Asked and answered.
A. No.
Q. Did any of your coworkers tell you about the confidentiality of client information?
A. No.
Q. Did you, as an intelligent woman, know that that information concerning families that you were working with was confidential?
A. I would think so, yes.
Q. You would think so, or did you know?
A. I would think so.
Q. Okay.
A. It's the nature of the business.
Q. Of the business. You wouldn't be, in your prior job, walking around telling people on the street or people that shouldn't have access to information about your clients that were living with the Erie County Human Development Group, would you?
A. I'm sorry. What?
Q. Would you be telling people about clients of the Erie County Human Development Group?

A. No.
Q. It was confidential information, correct?
A. It would -- yeah. I just wouldn't do that. It's just professional conduct, I suppose.
Q. You suppose. Did anyone ever tell you in any of your other jobs with the MARC agency or with Erie County Development that it was against the law to reveal information, personal information, about people?
MR. McNAIR: Object. There's no foundation for that.
Q. You can answer.
A. Against the law?
Q. Yes.
A. No.
Q. Did anyone at OCY or in the state tell you that it was against the law?
A. No.
Q. To release --
A. Not that I recall, no.
Q. Not that you recall?
A. No, sir.
Q. So your recollection is, Ms. Conley, as we sit here today, that the policies that have been marked Exhibit 1 through Exhibit 1-I, you

were never trained in those policies, nor anyone ever told you about those policies?
A. I think that there's just a kind of global concept and understanding that it's confidential. I never received training. I was never specifically told. Just so you understand, OCY was very busy.
Q. I understand that, ma'am. Would it be fair to say that when you applied for your job at OCY, you had no social work training whatsoever?
A. No. I definitely -- well, it depends on what you mean by social work experience.
Q. That wasn't my question. My question was training. Did you have a degree in social work?
A. No.
Q. Did you have any courses in social work? Theory or anything else?
A. I had lots of training in social work.
Q. Well, let me ask you what the training was. Did you have training in how to evaluate a family at risk?
A. No.
Q. Did you have any training in terms of how to determine whether or not a parent exhibited good parenting skills?

A. I had training through staff and first-hand accounts like on-the-job training, a caseworker would say, this is what we're looking for, this is what qualifies as appropriate behavior, you know.
Q. But you were not trained, and I think you readily admitted under oath in court that you had no training at all in that type of thing in order for you to give an opinion?
A. I think what I said in court is I'm not qualified to do case management, and I'm not.
Q. And you're not qualified to give an opinion as to whether or not someone is acting appropriately, is that right?
A. Acting appropriately?
Q. Yes, as a parent.
A. Well, you know, if a parent comes in to a visit and let's say is oblivious to what their child is doing and just kind of sits in the corner and nods, you know, paying attention to their child, that would, you know, be considered as not really being paying attention to their kid.
Q. Ma'am, I'm going to read to you a transcript from a hearing on July 28, 2004.

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There was a question asked of you, if anybody has -- I think the transcript is there, Tim, page 80, it said, this was a conversation, these were questions, I'll set the stage, about your summaries.

The question was, on page 80, starting at line 10, "Did she ever say anything to you about the nature of opinions, whether they were accurate or whether she wanted them to be the agency's opinion?"

And your answer was, "Well, essentially I think it was agreed upon that in my capacity I'm not really qualified. I'm not educated in social services, my education is through something else, and it's not really my role to issue opinions or judgments against the families that I work with. My job simply and humbly is to..."

MR. McNAIR: Can I ask you what page of the transcript you're on?

MR. JOYAL: Page 80.

MR. McNAIR: That language does not appear in the copy you gave me.

MR. JOYAL: It sure does. Line 10.

BY MR. JOYAL:

Q. "...facilitate visits and to make

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documentations of the observations that I have. So really, my opinion in any case is -- really has no weight. That's just the nature of my position at Children's Services."

Do you remember saying that?

A. Yes.

Q. Let's go to page 81, starting at line 9.

MR. McNAIR: Take your time and read through that.

Q. "What was difference about this case, if you can tell?"

Your answer was, "Well, just that I'm reminded of my position at OCY, that I'm not qualified to have an opinion or to necessarily state those opinions. It's my job to facilitate."

Do you remember saying that?

A. Yes.

Q. So in answer to my question, then, you were not trained in social work, you're not educated in social work, and you admitted on July 28th of 2004 that your opinions as to parenting skills, you're not qualified to make those?

MR. McNAIR: The transcript speaks

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for itself. She admitted to making those statements. To the extent you're asking for some kind of conclusion, I don't think you have a foundation for that.

A. I'm not a caseworker.

Q. What did you mean by that, ma'am, when you said my opinions don't really matter?

A. When you're managing a case and you're going to Court and you have to do the things that caseworkers do, I don't work in that capacity. I work as a case aide, and in my capacity as a case aide, I am able to share my impressions based on observations. And even as a case aide, in the Court summary that we have, there's actually a template that says in the bottom paragraph, each case aide has to fill them out, impressions and observations. So, if I were to liken it to a car accident, for instance, you don't need to be qualified to look at something such as a car accident. If someone simply bends a fender, that would be a moderate accident. If somebody went flying out of that car and was ejected, that would be more severe. So there's different levels of, you know, was it bad, good, or indifferent.

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So in that term, I'm qualified in its simplicity. What I'm saying in this particular case is that I'm not going to get up and say whether or not a child, you know, should go home or not. That's not the role of even the caseworker. You simply submit the facts to the judge and the judge makes the decision.

Q. The judge makes the judgment. And you would --

A. That's what I'm getting at.

MR. McNAIR: Would you let her finish her answer?

MR. JOYAL: Sorry. I apologize.

A. That is essentially what I'm talking about. What I'm trying to strike home, I'm the one that did the majority of those visits, so, you know, you don't need a degree to share an observation, whether or not a parent did a good job or a bad job.

If a parent is not paying attention to their child and they're despondent and not paying attention and the child falls down in the course of that visit, that is not appropriate parenting.

Q. But on the other hand, that is an observation, right? You would make an observation that said the parent did not respond when the child fell down. That is like your car accident.

MR. McNAIR: Are you arguing with her past answer? That's not what she said.

MR. JOYAL: That is my question.

A. We are actually asked to give our opinion, our observations, right on the template for the Court summary itself, so in one sense I'm qualified in that aspect. What I'm trying to define for you is that it's not up to me to say whether or not a child should go home or stay within the system. What I was getting at --

Q. Ms. Conley, when that testimony was being given, this had to do with your testimony concerning a summary that had been provided that you alleged was changed by your supervisor in sort of violation of something, right?

MR. McNAIR: I don't think. Wait a minute.

MR. JOYAL: Were you there?

MR. McNAIR: I read the transcript. She didn't allege there was any violation of policy.

MR. JOYAL: Were you there?

BY MR. JOYAL:

Q. Did you suggest to the Court that your summary had been changed without your knowledge?

MR. McNAIR: Stated as a fact.

A. There's no question that it was.

Q. And at other points in time prior to July 28 of 2004, had words in your summary been deleted with your knowledge?

MR. McNAIR: Object to the foundation. Are you asking if under similar circumstances, or similar in scope?

A. There's too many variables.

Q. Let's stop here.

A. I want to answer your question.

Q. I'll withdraw the question and go back to something else. We'll get to this in another context.

You've testified to me that to you, it was sort of, I think I used your word, a no-brainer that information concerning clients was confidential, correct?

A. Yes.

Q. Did you understand under that confidentiality that there were certain people in certain agencies that could gain access and you

could tell about these clients, is that right?

A. There were professional relationships through secondary -- I mean, there is CASA workers, there is Project First Step, Family Services, there's other organizations that are assigned to the case that are involved in the case that have access to case files and notes and what have you, where, you know, we would have round table discussions with people.

Q. And sometimes, those were people who had some professional involvement with the case, right?

A. Yes, sir.

Q. Prior to September 10, 2004, had you ever been advised of Title 55 of the Public Welfare Act? Specifically Section 3130.44, which dealt with the confidentiality of family records?

A. No.

Q. Well, let me quote a part for you, okay?

A. Okay.

Q. This is Statute 3130.44, Confidentiality of Family Case Records, and this is part A. "Information that may be used to identify the child or the parents by name or address, and information contained in the case record, is

confidential. A staff person may not disclose or make use of information concerning the child or the parents other than in the course of the performance of his duties."

Did you know that?

A. No.

Q. Would you say that release of that information under that statute would be against the law?

A. If that is what it states.

Q. It states, "A staff person may not disclose or make use of information concerning the child or the parents other than in the course of the performance of his duties."

That's a legal prohibition, is that not, do you understand that?

MR. McNAIR: I don't believe that is the end of it, in its entirety.

MR. JOYAL: I'll go through the whole thing.

BY MR. JOYAL:

Q. "Federal authorities, the Commonwealth and the Department or respective authorized agents officially charged with administrative supervision, review, evaluation or audit responsibilities may have access to and the right to use information identifying applicants for and recipients of children and youth services. The information shall be necessary to carry out the mandated functions of the agency and may not be protected by a specific law, such as 23 Pa.C.S. Section 6301-6384 (relating to the Child Protective Services Law.)

(c) Members of the administrative review panels, volunteers, another county agency and other providers of services to children and families who are accepted for service by the county agency may have access to and the right to use information identifying recipients of children and youth services. The amount and type of information to be released shall be determined by the county agency and shall be limited to information needed by the service provider to carry out its responsibilities. The decision to release information shall be based on the county agency's assessment of the individual case record and the responsibilities of a service provider. Information released may include part or all of the case record.

(d) Information contained in case records

shall be released upon request to:

(1) Parents and legal guardians.

(2) Children's and parents' attorneys.

(3) The court and court staff.

(4) County executive officers.

(5) The child, if 14 years of age or older. The county agency may withhold information from a child which it has reason to believe it will be harmful to the child. The basis for withholding information from a child shall be recorded in the child's case record.

(e) Information in case records may not be released to a person or agency other than those specified in subsections (b)-(d) without prior authorization of the court.

(f) Information from a case record may be made available only if the information released does not contain material which violates the right to privacy of another individual or is protected or made confidential by law. This may not be construed to protect the right to privacy of a county agency employee.

(g) Except as limited by subsection (h), the county agency may use or authorize the use of information contained in the case records for

teaching or research, if the teaching or research does not include names or other information which may directly or indirectly identify persons involved in the case. The county agency administrator shall approve or disapprove, in writing, requests from persons not employed by the county agency who wish to use agency case records for teaching or research purposes.

(h) To the extent that information contained in the family case record is protected by 23 Pa.C.S. Part III (relating to the Adoption Act), 23 Pa.C.S. Section 6301-6384 (relating to the Child Protective Service Law) and Chapter 3490 (relating to protective services), access to and release of information shall be under the statutes and regulations."

Okay? You're not the county agency, were you?

A. No, sir.

Q. You never were the county agency administrator, were you?

A. No.

Q. You were never given the authority under this law to release any information, as far as you just heard, about any family member, is that

right?

MR. McNAIR: I think it refers to disclose or use. Disclose or make use of.

MR. JOYAL: Fine.

BY MR. JOYAL:

Q. We'll use the word disclose, not release. You were not authorized to disclose any information under this law, were you, as an individual employee?

MR. McNAIR: Object to the extent you're asking for a legal conclusion.

BY MR. JOYAL:

Q. Fine. You can answer if you know.

A. I don't. I'm not really sure.

Q. You do know what may not disclose means, right?

A. Right.

Q. You know what or make use of information means, right? What does that mean to you?

A. I think it should not be brought up for public consumption.

Q. And it shouldn't go to anybody other than the people this law says it can go to, right?

A. Correct.

MR. McNAIR: And again, it refers

specifically to identities.

MR. JOYAL: Is that an objection?

MR. McNAIR: I'm trying to clarify for the witness's benefit.

MR. JOYAL: You're not going to do these clarifications for the witness. That's against the Federal rules. It's like a talking objection. You don't get to do that. If you're objecting, object.

MR. McNAIR: I'm objecting to you representing the contents of the statute that you just read. The statute -- and the grounds for the objection is that the statute refers specifically to disclosure of identity of people receiving services.

MR. JOYAL: No. It says the person or the child. We won't quibble over that, Mr. McNair.

BY MR. JOYAL:

Q. Let's go to 55 Pa. Code Section 3490.242 which deals with confidentiality of children, youth and family records. Confidentiality. "Information obtained by the county agency or Department in connection with general protective services may only be released as follows:

(1) Under Section 3130.44 (relating to confidentiality of family case records).

(2) To another county agency.

(3) To an official of an agency of another state that performs general protective services analogous to those services performed by county agencies or the Department in the course of the official's duties."

And that's the end of that. Do you understand what that means, Ms. Conley?

A. Yes.

Q. What does that mean to you?

A. That means those are the categories of people in which you can --

Q. Release information?

A. Right.

Q. And that release, and that says "Information obtained by the county agency or Department in connection with general protective services may only be released as follows:" correct?

A. Yes.

Q. So there's a group of people in -- what are protective services, as far as you're concerned? Is that foster care?

A. Anybody in the system that we're protecting.

Q. Right. Children?

A. Children.

Q. Even family members, right?

A. Yes.

Q. Could be adults at some point. So anybody in protective services, this information gets obtained by the county, can't be released except to these people, is that right?

A. (Witness nodding head.)

Q. Right?

A. According to that paper, yes.

Q. According to the statute?

A. Right.

Q. Okay. I'm going to read you another statute, ma'am, and this one has to do with 23 Pa.C.S.A Section 6349. This is a penalty section. This has to do with domestic relations, abuse of family, Chapter 63, Child Protective Services related here as well. And the first section, I'll show it to Mr. McNair, only has to do with failing to expunge certain information about child abuse. So I won't read that part into the record.

MR. McNAIR: Let me object to this, relevance and foundation. There's absolutely --

THE WITNESS: May I see it?

MR. JOYAL: Relevance and foundation?

MR. McNAIR: Yes.

MR. JOYAL: One of your allegations in this complaint was that she was constructively discharged by threat of criminal prosecution.

MR. McNAIR: Yes.

MR. JOYAL: That was the criminal statute. I'll go in --

MR. McNAIR: Right. There is no foundation that she violated that statute.

MR. JOYAL: We'll get to that, I'm sure.

MR. McNAIR: Let's get to that before you start accusing her.

MR. JOYAL: We'll get to it in these exhibits that will follow. Okay.

BY MR. JOYAL:

Q. By the way, one of the lawyers that was involved in the B[redacted]case was a woman by the name of Amy Johnson?

A. Jones.

Q. Jones. Is it Amy Jones?
A. B[redacted]?
Q. B[redacted] yes. W[redacted]
A. Oh --
Q. Amy Jones represented --
A. I wasn't on the B[redacted]part of the case.
Q. No, but you had -- you knew V[redacted]
A. Right. But there was --
Q. The other kids, right, and you had access to her files, [redacted]case files, is that right?
A. I could have access to it, but that's not --
Q. We'll get to that. Isn't it true that Ms. Jones is a member of Mr. Angelone's law firm?
A. I believe so.
Q. Let's just read into, you read this, so we'll go to Section B. Penalties, "Unauthorized release of Information. -- A person who willfully releases or permits the release of any information contained in the pending complaint file," this is about family and child abuse, "the Statewide central register or county agency records required by this chapter to persons or

agencies not permitted by this chapter to receive that information commits a misdemeanor of the third degree. Law enforcement agencies shall insure the confidentiality and security of information under this chapter. A person, including an employee of a law enforcement agency, who violates the provisions of this subsection shall, in addition to other civil or criminal penalties provided by law, be denied access to the information provided under this chapter."
Again, you read this. This has to do with domestic relations and abuse of family, which is child abuse, right?
MR. McNAIR: Has to do with pending complaints.
MR. JOYAL: Is that an objection or are you deciding you want to testify?
MR. McNAIR: I'm objecting to you misrepresenting the statute to our client again.
MR. JOYAL: I read it. Apparently you haven't.
MR. McNAIR: You misrepresented what it said.
MR. JOYAL: Is the noted domestic

relations family abuse, is that not in there? Would you like to read it for yourself for the record, does it not say that?
BY MR. JOYAL:
Q. I'm going to read you another section of the statute.
MR. McNAIR: We're not here for a seminar. Do you want to ask questions concerning the case?
MR. JOYAL: If you would like to get up and leave, go. I'm conducting this deposition. If it's too much for you, then I suggest that you find another line of work. Right now I'm going to do my deposition.
MR. McNAIR: There's no need to be insulting.
MR. JOYAL: Mr. McNair, if you start with me to talk about seminars --
MR. McNAIR: If you start to intimidate my client --
MR. JOYAL: I'm not trying to intimidate your client.
MR. McNAIR: By implying she's violated some criminal statute with absolutely no foundation for that --

MR. JOYAL: As I said to you, we will go through with your client's testimony whether she has or she hasn't.
One of your allegations in your complaint is that she was constructively discharged and forced to sign a letter of resignation because she was told that the district attorney's office may be getting a criminal complaint against her. That is in your complaint.
BY MR. JOYAL:
Q. Let's go to 30 Pa.C.S.A. Section 923, which is a classification of offenses and penalties. Now, remember what we just talked about, first statute said misdemeanor of the third degree. "General rule. -- The following penalties shall be imposed for violations of this title." And we'll go down to No. 5, because the others don't have any application here. "For a misdemeanor of the third degree, a fine of not less than $250 nor more than $5,000, or imprisonment not exceeding 90 days, or both."
Did anybody ever tell you about, when you were being trained, that violation of these confidentiality statutes could result in a fine or imprisonment if you were found guilty of them?

A. Never.
Q. Never. Let's go to the next section which was referred to in these, which is 23 Pa.C.S.A 6339. This is about Chapter 63, again, it's child protective services under Title 23, Abuse of Family. "6339. Confidentiality of reports. Except as otherwise provided in this subchapter, reports made pursuant to this chapter, including, but not limited to, report summaries of child abuse and written reports made pursuant to Section 6313(b) and (c) (relating to reporting procedure) as well as any other information obtained, reports written or photographs or X-rays taken concerning alleged instances of child abuse in the possession of the department or a county agency shall be confidential."
Did you know about that statute?
MR. McNAIR: That has to do with child abuse investigations. That has nothing to do with providing ongoing services.
MR. JOYAL: We're not talking about providing ongoing services, sir.
MR. McNAIR: Is there an allegation she revealed information concerning pending

investigation of abuse?
MR. JOYAL: Off the record.
(Discussion off the record.)
BY MR. JOYAL:
Q. Let's go to the next statute, 6340, Section 23. "Release of information in confidential reports." Rather than me reading this to you, ma'am, I'm going to let you read it while I take a little break. You and your lawyer can read it.
(Recess.)
BY MR. JOYAL:
Q. Have you read that document?
A. Yes. We went over it.
Q. You went over it. So when you were going over it, when you say you went over it, was this being explained to you, was someone interpreting this for you?
MR. McNAIR: Objection.
MR. JOYAL: Grounds?
MR. McNAIR: Privilege.
MR. JOYAL: Privilege?
MR. McNAIR: What we discussed, what she told us, what we told her, is privileged.
BY MR. JOYAL:

Q. So you went over this statute, and you read it and talked about it?
A. We talked about it.
Q. While I was out of the room. Okay. So if, ma'am, you had released any information in confidential reports, if you had released any information in confidential reports, did you release it to anybody that was in this statute? For example, did you release it to an authorized official of the county agency, or agency of another state performing protective services?
MR. McNAIR: Objection. It calls for speculation.
A. I don't release --
MR. McNAIR: Also foundation.
Q. Have you ever told anybody in any of these categories about any client of OCY's information?
MR. McNAIR: Objection.
Q. Even to the extent of giving a phone number out?
MR. McNAIR: Objection. That has nothing to do --
MR. JOYAL: With what?
MR. McNAIR: -- with giving out a

phone number.
MR. JOYAL: Sir --
MR. McNAIR: That has to do with pending ChildLine investigations.
MR. JOYAL: What's that?
MR. McNAIR: Which she had nothing to do with.
MR. JOYAL: Let's go back to all of these.
BY MR. JOYAL:
Q. We're talking about what is in a county record. In your experience, looking at records, would phone numbers of clients be in records maintained by the county for protective service?
A. Very rarely, I would think. I very rarely went through records, so you understand. I think we need to clarify something. I didn't go through cases or files. That wasn't in my job capacity.
Q. Well, if you were facilitating a visit, which was using your job capacity, would you need to call a parent sometimes?
A. Yes.
Q. Where would you get the phone number?
A. From the --

Q. File?
A. No. It's called a service form. I can't remember the exact title.
Q. Is that part of a case agency record?
MR. McNAIR: You're asking for a legal conclusion.
BY MR. JOYAL:
Q. I'm asking if you know.
MR. McNAIR: You're asking for a legal conclusion.
A. I really don't know. It's a request for services, the name of the form.
Q. And if you opened up a file, would that request for services for John Doe, would that be a request for services with, would the phone number be in the file?
A. No.
Q. Where would it be?
A. It would be in my file.
Q. You maintain files of your own ongoing facilitations. Would you consider your file a county agency file? It's not personal, is it?
A. No.
Q. It's a county agency file?
A. Yes.

Q. So that if you gave a phone number of a client from that file to someone who was not on this list, do you think you would be violating the statute?
A. No.
Q. No? You don't.
A. I'm not really sure what you mean.
Q. Well, let's go over it. If you spoke -- you know what a report is, right?
A. Yes.
Q. And you know that if there was a report of someone, anyone, committing child abuse, that would be considered to be a confidential document, correct?
A. I would think, yes, sir.
Q. And if someone told someone outside the agency or outside of law enforcement or outside of the people that we've seen in these statutes that there was an allegation that someone had committed child abuse, would that be a breach of confidentiality?
MR. McNAIR: Objection. You're asking for a legal conclusion.
MR. JOYAL: I'm asking what she knows.

MR. McNAIR: You're asking her for a legal conclusion and you're asking her to speculate. Please rephrase the question.
BY MR. JOYAL:
Q. Ms. Conley, going back to your definition when I asked you about your training, you said releasing information about people was a no-brainer, that you knew you shouldn't do it. Let's use your term, would releasing information about a child abuse investigation or allegation be, in your mind, a no-brainer, that shouldn't be released to people outside the agency?
MR. McNAIR: Object to the question because it's vague and speculative.
Q. Do you understand my question?
A. I understand it, but I also think it's kind of open ended.
Q. Well --
A. I don't know how to answer it without --
Q. Answer it the best you can. Do you want me to be more specific?
A. Yes.
Q. Okay. Let's say that my friend here was in Erie County and that there had been an allegation of child abuse made against him, okay.

There had been a report, there was an investigation ongoing. The investigation was ongoing, and you or a coworker of yours knew about that report. Would it be legal to tell the court reporter about that?
A. The court reporter? Well...
Q. Would it be legal to tell the court reporter that? Yes or no. If you know.
A. I'm not really sure. If she is sitting in the courtroom...
Q. That's not what we're talking about. Let me understand the scenario. There is no prosecution. We're not a courtroom. We're talking about someone calls up and says that this individual abused their child. And you or another worker of yours found out about that. Could you tell it to the court reporter?
A. I don't think so.
Q. Could you tell it to anybody on the street?
A. No. I don't think so.
Q. Could you tell it to Mr. McNair? He's not a county employee, is he?
A. No.
Q. So you couldn't tell it to him, right?

A. I don't think so.
Q. But, and you knew that, because that, to you, was a no-brainer. Right?
A. Right. I would not, in that particular context, I would not.
Q. Okay. We'll get to the context a little later on, if you think there's a difference.
A. Okay.
Q. Let's just go to the last statute here. And I'm going to identify it as 55 PA Code Section 3490.91. The sub title is "Persons to whom child abuse information shall be made available."
If you haven't seen this before, ma'am, I'll let you read it, you and your lawyers can look at it.
A. (Witness reviews document.)
Q. Did you get a look at that?
A. The gist of it.
Q. You looked at it. Without asking you for a legal opinion, what is the gist of it?
A. Basically, what categories are permissible to speak about client information.
Q. It says, "Reports, report summaries and other accompanying information obtained under the

CPSL," that's Child Protective Services Law, right, "and this chapter in the possession of the Department and a county agency are confidential," right? "Except for the subject of a report, persons who receive information under this section shall be advised that they are subject to the confidentiality provisions of the CPSL, and this chapter, that they are required to insure the confidentiality and security of the information and that they are liable for civil and criminal penalties for releasing information to persons who are not permitted access to this information. This material shall only be released under the CPSL and this chapter and be made available to the following:" and it goes through a whole list of people, right?
A. Right.
Q. Do you see in here -- go through it for me.
Do you see in here whether it says lawyers are entitled to see information or hear information from case files that has been confidential?
MR. McNAIR: That's not what it says. You are so far off base, it's not funny.

This has to do with processing a CY-48. There's no issue here about processing a CY-48.
MR. JOYAL: Really, okay. You can argue that. I'm not here to answer your questions. You brought the lawsuit.
MR. McNAIR: Right. This doesn't have anything to do with it.
MR. JOYAL: That may be your opinion as to whether it does or it doesn't.
BY MR. JOYAL:
Q. Do you see anything about giving information to lawyers about anything?
A. I don't, no.
Q. And as far as -- he made -- do you know what a CY-48 is?
A. No.
Q. So your lawyer just mentioned something that you don't even know exists, is that right?
A. Yes.
Q. Would you consider a detention order to be something that is covered by that?
MR. McNAIR: This specifically relates to confidentiality of a Report of Suspected Child Abuse CY-47, ChildLine Report of Suspected Abuse CY-47C, Child Protective Services

Investigation Report CY-48, and Protective Service Supplemental Report CY-49, on file at ChildLine involving the subject child, the child's siblings and their parents.
MR. JOYAL: Okay. That's fine. May I have it back?
MR. McNAIR: No.
MR. JOYAL: So if she's prosecuted under that section of the statute, you can defend her.
MR. McNAIR: Absolutely.
MR. JOYAL: Good. Now give it back to me.
MR. McNAIR: You shouldn't be able to get a complaint processed. Go ahead. Be my guest.
MR. JOYAL: I have no intention of doing it.
MR. McNAIR: What is the point of this whole exercise?
BY MR. JOYAL:
Q. I want to read you the last paragraph here, ma'am.
A. Okay.
Q. Last thing is 17, and this will be D, "A

person, including a law enforcement official, who willfully breaches the confidentiality or security of information that the person received under this subsection, in addition to other civil or criminal penalties provided by law, shall be denied access to any confidential child abuse information in the future."

Now, you understand what that means, right? That F there is a criminal penalty as well as a civil penalty for violating, talking about child abuse information, is that right?

MR. McNAIR: There's a penalty for disclosing information contained in the ChildLine registry, which is what that refers to, and there's no allegation that she had access to the ChildLine registry, much less that she was revealing information from the ChildLine registry. The purpose of that regulation is to protect people who are the subject of reports of abuse.

MR. JOYAL: Well, that's good, thank you, Mr. McNair, for telling me that.

MR. McNAIR: Who are the perpetrators.

MR. JOYAL: Thank you for telling me

that.

MR. McNAIR: That has nothing to do with this case.

MR. JOYAL: Let's move on and maybe we'll find out whether it does or doesn't.

(Conley Deposition Exhibit 22 was marked for identification.)

BY MR. JOYAL:

Q. I want to show you Exhibit No. 22. We're out of order, Ms. Conley. Is that your signature on that?

A. Yes, sir.

Q. And it says that you have received a copy of the computer use policy from 2001, right?

A. Yes.

Q. Okay. And you dated that what day? 2003?

A. Yes, sir.

Q. Let me have it for a second, because Mr. McNair has a copy of it, maybe he can share with you. While I'm reading, you can look along with him. Okay?

A. Okay.

MR. McNAIR: For the record I would note that this is page 6 of 6.

MR. JOYAL: Right.

MR. McNAIR: Can you produce the original of this document?

MR. JOYAL: I'm sure we probably could.

THE WITNESS: Because that looks like --

MR. JOYAL: You think that has been altered, ma'am?

THE WITNESS: It does say page 6 of 6.

BY MR. JOYAL:

Q. Right. Look at where the unsigned page is, what does that say? Page 6 of 6.

A. It says the same.

Q. Is it the same page?

A. Yes.

Q. Except without your signature on it. And that one is -- it's not the same page.

A. That one has page 9.

MR. McNAIR: It's not the same at all. It's a different document.

MR. JOYAL: No, that is page 9 that was based upon --

MR. McNAIR: It says 6 of 6.

They're different.

MR. JOYAL: They're different to the extent, you know why they're different, because someone typed a 9 on this as a result of exhibits.

MR. McNAIR: It says 6 of 6. It's a different form that is unsigned, and the one that is signed --

MR. JOYAL: What does that say?

MR. McNAIR: 6 of 6. It's obviously a different form.

MR. JOYAL: All right.

BY MR. JOYAL:

Q. Let's go over it. You look at -- let me read you the two of these. Ms. Conley, what does it say in the top left-hand corner of the one that has the 9 on it that we're arguing about, the last page? Why don't you rip that last page off.

MR. McNAIR: Leave that right there.

MR. JOYAL: Okay.

BY MR. JOYAL:

Q. What does it say on the top left-hand corner, it says policy No. 3, right?

A. Yes.

Q. Look at, wouldn't you, on the first page, does it say policy No. 3?
A. Yes.
Q. What does it say, Computer Use Policy Agreement, right?
A. Yes.
Q. Read the language to me of that one.
A. "I, blank, have read and completely understand the 'Erie County Computer and Internet Use Policy' effective on July 1, 2001."
Q. Now, go to the one that is on the front page, with the first page. What does that say?
A. "I have read and completely understand 'Erie County Computer and Internet Use Policy' effective on July 1, 2001."
Q. Then your signature is on there, right, the printed name, that is your handwriting?
A. Yes, sir.
Q. And 2/11/03. Now flip the page for me. What are we looking at here? Policy number what?
A. No. 1.
Q. Policy No. 1 what?
A. One.
Q. No. That is page 1 you're looking at. Right up in the top it says subject, effective

date, says July 1, 2001.
A. I'm sorry. Yes.
Q. We agree? What does it say, policy number what?
A. No. 3.
Q. What did you just read on the front page that says you read and understood?
MR. McNAIR: The document speaks for itself.
MR. JOYAL: I'm asking her again. You raised the issue.
BY MR. JOYAL:
Q. What did you sign that said you read and understood?
MR. McNAIR: I don't think this overcomes the objection.
A. No. 3.
MR. JOYAL: You may not --
BY MR. JOYAL:
Q. Policy No. 3 effective July 1, 2001. Let's go through the document here. Let's go to prohibited activities.
A. Okay.
Q. Roman numeral II, "The following activities never constitute acceptable use and

are always forbidden with County resources, including computers, whether during work hours or on the employee's own time: Pornography. Participation in chat rooms. Commercial activity. Political activity. Religious activity. Chain letters. Instant messaging for non-County related business. Solicitation of funds (except for official County business). Private e-mail accounts, both web-based and POP3. Password encoding files. Use of unauthorized hardware, software, or modifications."
Got that, you read that, correct, you signed off on that, right?
A. I don't remember all of this. I definitely signed it. I just don't remember all of this.
Q. You don't remember it all?
A. I don't. I definitely don't.
Q. But you probably signed it and read it, right?
MR. McNAIR: Calls for speculation.
Q. You did sign it and read it, didn't you?
A. I signed this. And I'm not sure about all of this.
Q. Are you in the habit --

A. I don't recall -- I don't recall.
Q. Are you in the habit of signing documents where you say you've read something, especially policies, without reading them?
A. I'm not in that habit, no.
Q. Let's go to the Roman numeral IV which says "County Access and Ownership of All Data."
A. Um-hmm.
Q. It says, "the County retains ownership of all data, passwords, applications and software developed with the use of County resources."
A. Yes.
Q. It says, "the County reserves and intends to exercise the right to monitor employees' use of County computers and to access any information stored on County computers, including email communications and Internet use." Do you see that?
A. I do see that.
Q. Do you see the last one that says, "Any activity conducted under a County employee user password will be attributed to the County user"?
A. Yes, sir, I read that.
Q. You need a password to get into your county computer, right?

A. Yes.
Q. And let's go to the last page, No. VII, Roman numeral No. VII, page 5 of 6. "Use of Internet." Right?
A. Yes, sir.
Q. "Downloading is limited to documents needed for work-related business. Downloading unauthorized programs is prohibited. No right of privacy exists for County employees using Internet or email services. If you receive an email message that harasses or threatens you, report it as soon as possible to your supervisor and the District Attorney's Office." Right?
A. Yes, sir.
Q. So that said that anything -- you understand, that that meant that there's no right of privacy for anything on your county computer. Right?
A. Yes.
Q. And you understood that the County had the right to monitor anything you did use in that computer, is that right?
A. Yes.
Q. Okay. And so you understood that you, again, you had no right of privacy to what was on

that computer.
A. Yes.
Q. And that they could monitor it and they told you they would monitor it?
MR. McNAIR: It's not an issue.
BY MR. JOYAL:
Q. If necessary.
A. I didn't know -- no, they didn't tell me that they monitored it. I know that...
Q. You just told me, you told me that you're not in the habit of signing documents without reading.
A. That's not what I just said, sir. My comment was in reference to what, the statement before, that you said about them monitoring, that they could do that. No. I did not understand --
Q. You did not understand that?
MR. McNAIR: Would you let her finish her answer.
A. I did not understand that that was a policy. For whatever it's worth, it's in this document. I did not understand that they could do that. That wasn't something that was ever told to me.
Q. What about this?

A. I'm telling --
Q. What about this sentence don't you understand, "the County reserves and intends to exercise the right to monitor employees' use of County computers to access any information stored on County computers, including email communications and Internet use." What don't you understand about that?
A. I understand what this says. I'm speaking in the context of what I understood working there.
Q. Well, what did you -- you told me that you were not in the habit of signing something without reading it, so you would have -- your habit would have been you would have read it, you would have signed it?
A. Yes, sir.
Q. It had the same language in it?
A. I'm not sure about the language. What I'm getting at, sir, is I don't recall that.
Q. You don't recall. That's fair. You don't recall that that was in there when you signed this document?
A. Definitely.
Q. In 2003?

MR. McNAIR: And again, she didn't agree she signed that document in 2003. Nice try. But she is not going to agree she signed this five-page computer usage policy. She will agree her signature is contained on a document in a different format that you have stapled to the front of those five pages. But just so you understand, she has not agreed that she was given those five pages.
MR. JOYAL: That's very good, Mr. McNair. I'm glad you clarified that.
BY MR. JOYAL:
Q. Do you remember signing a computer use document in 2003?
A. Yes.
Q. Do you remember signing one --
A. I don't know about the year, but, yes, I remember signing, yes.
Q. Do you remember signing one prior to 2003?
A. I don't know.
Q. You don't have a recollection of that?
A. I could have.
Q. You could have.
(Conley Deposition Exhibit 7

was marked for identification.)
BY MR. JOYAL:
Q. Let's go to Exhibit No. 2. Who is Deanna Cosby?
A. She is a caseworker that was on my unit.
Q. She was a caseworker that was on your unit, is that correct?
A. True.
Q. Deanna Cosby was terminated from that agency, when, 2003?
A. She quit in 2003. Yes.
Q. 2003.
A. I think.
Q. And she moved to another job with another social work agency in Charlotte, North Carolina, is that right?
A. Yes.
Q. She was a friend of yours, right?
A. Yes.
Q. As a matter of fact, you were the godmother of one of her children?
A. Not officially. She just said that in some measure of --
Q. And you said that when you transmitted some pictures of kids to various people and you

said so and so was your godson, right?
A. Yeah. There's not really an official in the Christian realm. She said that as a measure of sweetness.
Q. And you used a county computer to transmit those pictures to people, is that right? You used your county e-mail to do that, right?
A. To --
Q. Transmit photographs of Deanna's children to folks, including herself?
A. Yes, I think I did.
Q. You did. And in order for you to get those photographs on to the county computer, you would have had to download them, right?
A. No. Because I didn't have access to the Internet. I just -- I e-mailed it to my in box from home.
Q. From home. How did you get them on your computer at home?
A. I uploaded them.
Q. From where?
A. From my camera.
Q. From your digital camera?
A. Yes.
Q. So you took your digital camera, put them

on to your home computer and e-mailed them to your computer?
A. Yes.
Q. Stored them on the hard drive, right? Did you store them on the hard drive?
A. I think I did. Well, yeah, I would have had to hit the save button, saved them and e-mailed them as attachments to other people, right. The coworkers, I think, at OCY, because Deanna worked on our unit.
Q. I understand that. So you took, you used a county computer at some point to transmit things like that. Right?
A. Yes.
Q. Let's --
MR. ANGELONE: Excuse me for a second. I have to go.
(Mr. Angelone leaves deposition room.)
BY MR. JOYAL:
Q. Let's look at Exhibit No. 2. Have you ever seen that document before?
MR. McNAIR: Do I have a copy of this?
MR. JOYAL: Yes. It's in there

somewhere.
BY MR. JOYAL:
Q. You've seen that document before, right?
A. Yes.
Q. Those are e-mail messages between you and Deanna Cosby on May 27, 2004, is that right?
A. Yes, sir.
Q. And what does it say here, Deanna Cosby at that point in time was not a social worker working on any cases in Erie County, was she?
A. In Erie, no.
Q. And this, in the subject line of this is re, [redacted] [redacted] was a client that you had some contact with, is that right?
A. Yes.
Q. And your e-mail at 8:58:48 a.m. was to Deanna and says, "Deanna, [redacted]s attorney wants you to call her the number is 814-868-8541. The attorney's name is Amy Jones. [redacted] asked me to ask if you would do this." Right?
A. Yes.
Q. And Deanna's response to you was, why? Correct? Right up there?
A. Yes.
Q. Why? [redacted] [redacted]ad an active

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protective services file open in your office, did she not?
A. I'm not sure about that. She was --
Q. She was a client?
A. She was a client, yes.
Q. And her children were clients?
A. Yes.
Q. And at the time she was pregnant, is that right?
A. Yes.
Q. And she was being represented by Amy Jones?
A. Yes.
Q. Correct? And you used your computer to tell Deanna Cosby about a client, who Deanna knew, by the way, didn't she?
A. It was her case.
Q. It was her case years ago, is that right?
A. Yes, sir.
Q. And did you --
A. It wasn't years ago.
MR. McNAIR: Objection.
A. It was when -- you're looking at that e-mail, it was literally within months.
Q. Months?

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A. It was her case.
Q. She wasn't on the V[redacted] W[redacted] --
A. No. She had moved to North Carolina.
Q. B[redacted] case at that time, was she?
A. No.
MR. McNAIR: I don't have a copy of that.
MR. JOYAL: We'll be happy to get you a copy.
BY MR. JOYAL:
Q. Do you want to point out something to me on this e-mail, ma'am?
MR. McNAIR: No.
A. Just...
Q. Let's go back here. How did it happen that you knew that V[redacted] W[redacted]'s lawyer wanted Deanna Cosby to call?
A. Because I worked on the case.
Q. And how did you know that Vickie Wilson's lawyer wanted Deanna Cosby to call her?
A. Because V[redacted] told me.
Q. V[redacted] did? That her lawyer wanted to? So how did V[redacted] know that somebody needed to get to Deanna?
A. Because she -- I don't know how she knew,

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she knew that Deanna was her caseworker and her and I, I'm sure, she knew that -- her and I had contact once a week during...
Q. V[redacted] W[redacted] and you?
A. Yes.
Q. Please be specific as to who you mean by "her," because we have a bunch of "hers" here.
A. Sorry about that. The W[redacted] case itself, I serviced this family once a week. I transported her two children to visits, and...
Q. Visit who?
A. To visit their mother. So she was interested in having Deanna come to a court hearing that they had coming up, it is standard operating procedure, the office of children and youth, with past caseworkers, since Deanna had the case, from the beginning until just before the Court hearing, they wanted to subpoena her, because she knew the most about the case.
Q. She hadn't been on the case for four or five months, right?
A. Actually at this point --
Q. This was May?
A. -- she would have been gone three months.
Q. Three months?

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A. Yes, sir.
Q. And are you sure about that?
A. It seems to me that she has been gone longer than --
Q. Do you remember telling me that she left the agency in 2003?
A. I want to say she did. But you know what? I'm wondering if it was -- it was 2004. I'm sorry.
Q. So you were mistaken before?
A. I was mistaken. She left in February of 2004.
Q. Well, then, V[redacted] W[redacted] approached you because her lawyer wanted to subpoena, is that what you're saying, her lawyer told her that she wanted to subpoena Deanna Cosby?
A. I know that that was something along that line. I didn't get into all the specifics. She, in fact, had Deanna's phone number already, before Deanna left, she had given her her number, I believe.
Q. So Deanna -- did you come to find out or do you know whether Deanna and V[redacted] had socialized in the same social circles and they considered each other friends?

A. No.
Q. You don't know that?
A. No.
Q. Did you know --
A. They didn't.
Q. Did you know under what circumstances Deanna Cosby left the agency?
A. She left. Yeah.
Q. She left. Under the circumstances, did you come to find out from a caseworker that when they opened up this file on V[redacted] W[redacted] and the various children that she had that there was dictation missing, that they found out that Deanna had picked the children up for unauthorized and unsupervised visits, did you know anything about that?
A. No. I think that there's a lot more, and I think that there's two sides to every story.
Q. There may be, ma'am. I'm asking, did you know about it? Did Deanna talk to you about it?
A. Deanna and the supervisor, Deanna had reported the supervisor because she was not sitting down and having meetings with her.
Q. You had done that in the past?
MR. McNAIR: Would you please let

her finish her answer. Every time she says something you don't want to hear, you interrupt her. I'm getting tired of it. We're going to call a halt here and go see the judge if you keep up.
MR. JOYAL: Off the record.
(Discussion off the record.)
MR. JOYAL: Back on.
A. So you understand, the supervisor in this case is supposed to be sitting down with the caseworkers on a weekly basis to go over cases.
This particular supervisor that Deanna and I were under, Deanna had repeatedly tried to sit down, in fact, before she left, she reported the supervisor for not going over information, case information. I know that there was a lot of tension, but there's definitely two sides to that story. Dean is a very good caseworker.
Q. You had done the same thing, not only in 2004 with this supervisor, Sue Deveney, but you had done it with a previous supervisor in 2003, is that right?
A. Yes.
Q. Is that similar to what you did back at the time that you were working for the Erie

County Human Development people?
MR. McNAIR: Did what?
BY MR. JOYAL:
Q. Reported people for not doing their jobs, in your opinion.
A. Yes.
Q. It's similar, isn't it?
A. Yes.
Q. So you started doing it in Erie and then you did it in 2003, and you did it again in 2004. Now, my question to you was --
MR. McNAIR: She admitted she reported a supervisor for not doing their job.
A. I wouldn't call this -- the residential staff, I talked about things that I had saw to the supervisors.
Q. And you talked about things that you had seen in 2003 on your former unit to other supervisors, is that right?
A. Yes. I always brought my concerns to the supervisors.
Q. Similar complaints.
A. Specifically about caseworkers not showing up for work.
Q. And then you did it in 2004 again, but

also, you reported the caseworker, is that right?
A. Yes.
Q. You reported more than one caseworker to supervisors, in your opinion, who weren't doing their job?
A. Yes. It's not an opinion. In all due respect, sir, if I could just say something, by Erie County policy, by state policy, and by Court order, caseworkers are supposed to have contact with their clients, depending on the level of intensity on a case. The case might have specific dynamics where it would call for a higher level of supervision, and in this particular case, we had a caseworker that had not shown up to work for four months.
Q. In this particular case?
A. Yes.
Q. The V[redacted] J[redacted] case? Which caseworker was that?
A. P[redacted] W[redacted].
Q. And P[redacted] hasn't shown up for work for four months?
A. Three months and a couple weeks, collectively, all together, she came to one visit for 15 minutes, another visit for 45, and I

believe sat in on a bonding assessment and a quarter -- I have a point to make -- an entire quarter of a year went by. And the problem, okay, is that I liken it to wheeling a patient into an operation room and asking them to perform their own surgery. I can't manage case management, and when this supervisor doesn't check with the caseworker on a weekly basis that she is not doing her job, and the caseworker is not coming to work, the process, the system is broken. The reason I have first-hand knowledge of those values is because I'm on the front line servicing this family. And I can say without hesitation that the caseworker didn't show up for nearly four consecutive months.
Q. And didn't show up, you said she didn't show up for work. Are you telling me she didn't show up for visits?
A. She didn't show up to monitor the family.
Q. And you were there all the time?
A. Yes. I could not leave the children unattended with their parent.
Q. With their parent, because you knew that Ms. [redacted] at a certain point in time didn't exhibit very good parenting skills?

A. I had concerns.
Q. Of course you did. And you expressed those concerns. Is that right?
A. Yes.
Q. Let's get back to this document and your e-mail to Deanna Cosby. You told me a little earlier that [redacted] had her number because [redacted] got her number when she moved to North Carolina?
A. Actually I think [redacted] had her number prior to her moving to North Carolina. Deanna took her cell phone that she used here to North Carolina, and I know [redacted] at one point in the case was doing unmonitored, unsupervised visits and cell phone exchange, I believe, I'm not positive, between Deanna, and [redacted] was a volunteer on Deanna's port, just in case something came up in the visit that [redacted] needed, to get ahold of her, she had a cell phone number. So [redacted], I believe, in this juncture, had been trying to get ahold of Deanna to no avail. I don't know what the problem is.
Q. Let's stop. You tend to go off on my questions. My question was, I think you answered it before you went on to your other part, that she had her cell phone number, okay. Do you know

whether she had her address?
A. I don't know.
Q. Do you know whether or not she knew where she was working?
A. I don't know.
Q. Now, you said that [redacted] was taking the children on unsupervised visits. Did you read the file --
A. No.
Q. -- on those two children? Did you know that she wasn't supposed to have unsupervised visits with those children?
A. No.
Q. You didn't. Did somebody tell you at some point in time when another worker picked up this file that they had found out that Deanna had not put dictation in the file and that Deanna had taken the children for unsupervised visits with [redacted]?
A. I was told by Deanna that the visits were changing from unsupervised to supervised due to a court hearing, the dynamics of the case changed.
Q. When did she tell you that?
A. Just prior to her leaving, mom's visits changed and so, you know, too, I didn't always do

[redacted]s visits. I worked on and off. There's a mother and a father on this case, and the father, I was doing his visits, which were unsupervised. I would drop the kids off, and we divided the case. Deanna did mom, I did dad.
Q. Well, when you say unsupervised, you wouldn't stay with the kids?
A. No, sir.
Q. You would drop them off and pick them up?
A. With --
Q. With the father?
A. And the grandparents sometimes.
Q. So you're telling me that at some point in time, Deanna Cosby told you that there was going to be a court hearing and they had switched the visits?
A. No. She told me during the course of a court hearing the dynamics of the visitations were going to change from unsupervised to supervised.
Q. Let me stop you there, because I don't understand what you're telling me.
A. Okay.
Q. During a court hearing, was she telling you that there had been a court hearing and there

had been a change issued by the Court?
A. Yes.
Q. And when was that supposed to have taken place?
A. It was -- I can't remember exactly what month, but it was -- I want to say December or January. It was just prior to Deanna leaving, the dynamics of the visits changed.
Q. And you told me that when you heard this information about Deanna Cosby and people saying that she didn't quite do the job that they were looking for her to do, your reply to me was, there are two sides to every story?
A. Yes, sir.
Q. And Deanna Cosby is a friend of yours, right?
A. Yes.
Q. And she had problems with her supervisors, as you had problems with yours, is that right?
A. (Witness nodding head.)
Q. Is that right?
A. It was the same supervisor.
Q. Same supervisor. Well, you also had a supervisor the year before that you said wasn't

doing -- wasn't giving you the proper --
A. The supervisor before I transferred to Sue Deveney, I didn't have a problem with the supervisor. What I had a problem with was service neglect. I call it service neglect because there's not a term for it, that's when a caseworker doesn't show up to service a family or a case.
Q. And you wrote a very long letter about that?
A. I actually went to the executive director of the Department of Human Services, Steve Serovic and did a presentation. He asked me then to go before Paul Concilla. This was back in 2003, to be specific. I gave them specifics about cases that I was involved in where caseworkers were not showing up to work and the clients didn't understand the direction of their case, because in my capacity as a case aide. So he had me meet with Paul Concilla.
Q. And this was -- so they took your opinion for someone that had no social work background or education, and had you meet with somebody, and what happened after that?
A. Paul Concilla asked me to draft something

up as far as he confirmed that he was aware of the problems, that him and John Petulla had equal concerns and had seen that service neglect was taking place. He asked me if I would be willing to develop solutions, I mean, like he said, you know, it's one thing to complain, it's another to come up with a solution. So I drafted up something after that meeting with Paul Concilla with ideas that I thought would be good and helpful according to my perspective on the front line.
Q. Okay. On the front line. How many cases, do you know how many average, how many cases an average social worker at OCY in Erie County carries?
A. Eighteen.
Q. Eighteen?
A. Yeah, sometimes it goes a little bit above that, it's supposed to be below that. It depends on -- there's no absolutes.
Q. What happens when there's an emergency situation?
MR. McNAIR: Again, would you please let her finish her answer.
MR. JOYAL: She was finished, as far

as I'm concerned.
MR. McNAIR: I understand your concerns. Let her finish her answer.
MR. JOYAL: Let's get back to this e-mail.
BY MR. JOYAL:
Q. Why did you communicate with Deanna Cosby when you just told me that [redacted] had her phone number and that she had a lawyer? What was it that necessitated you doing that as opposed to you telling Vickie Wilson to give Deanna's cell phone number to her attorney?
A. Just because Vickie asked me if I would give the information, if I talked to Deanna, and I told her I would.
Q. You're a social worker -- you're a case aide. You know what confidentiality is. Why didn't you just tell [redacted], give the information to your lawyer, or, alternatively, why didn't you just give it to Vickie Wilson, Deanna Cosby's e-mail address?
A. Because I would want to check that, I believe, with Deanna. It was not something that I just sat and meditated on. [redacted] asked me if I would give Deanna the phone number so she could

contact her. Mike Calling had contacted her, Sue Deveney had contacted her.

Q. They're not clients?

A. Sue Deveney had contacted her about clients and client information. In fact, she had mailed client information through the US Postal Service about a client to Deanna. Deanna was --

Q. Who mailed her --

A. Sue Deveney, Mike Calling, the attorney, Michelle Shetter had, a fellow caseworker had right in the margins of that particular e-mail, you have Michelle Shetter who is a caseworker on page 2, talking to Deanna that day about a case file in a subpoena.

So it's standard -- excuse me, sir, but it's standard operating procedure when cases, just so that you understand, when caseworkers leave, they don't just -- there just isn't a physical void. They're familiar with cases. It's not a dirty word to have a caseworker come back into a situation, because, let's face it, at this particular juncture, Deanna has been on this case for well over a year. She knows the dynamics better than anybody, which is the judicial process to have a caseworker subpoenaed

back to a court hearing. It's a common standard operating procedure to contact past caseworkers to get their input on cases.

Q. Are you done?

A. Yes, sir.

Q. Let me go over what you just said. Michelle Shetter, Sue Deveney, Mike Calling are all either caseworkers or supervisors of OCY. Right?

A. Yes, sir.

Q. Michelle Shetter's e-mail here that she wrote to you about, says, quote, "Michelle called me this morning so sweet and polite and how are yous." I didn't hear even a hint, I suppose that's "I did hear even a hint of the trash that she and Sue probably have said about me. She wanted to know if I would be available for a, quote, teleconference for the [redacted] case." When you got that e-mail, this wasn't, you know, Michelle Shetter called me and asked me -- it was so sweet and polite and how are you. I did hear even a hint of the trash -- that's from Deanna to you?

A. Okay.

Q. I'm well aware of that --

A. Okay.

MR. McNAIR: It speaks for itself. It says what it says.

MR. JOYAL: I'm asking what -- stop interrupting her.

MR. McNAIR: We'll agree that's what it says.

MR. JOYAL: We're moving beyond that, Mr. McNair.

BY MR. JOYAL:

Q. When you saw that --

MR. McNAIR: If I can refer you back, maybe we can abbreviate this line of questioning, 55 Pa. Code 3130.44, which allows parents access to any information contained in the file unless a professional rendering services has said that they are not to have it.

MR. JOYAL: You make good speeches.

MR. McNAIR: I don't know, your point is?

MR. JOYAL: Listen, and you'll go, instead of listening to yourself talk, you'll hear the question.

BY MR. JOYAL:

Q. When you got this reply at 10:54 in the

morning, what did you make of this, "so sweet and polite and how are yous. I did hear even a hint of the trash that she and Sue probably have said about me." What was your reaction to that?

A. I don't remember.

Q. Did you think it was friendly, did you think, that she had some good things to say about Michelle and Sue Deveney, or did you think she was a little angry and was somewhat sarcastic?

MR. McNAIR: She's not answering the question.

Q. You don't remember. Read it to me now. Does it refresh your recollection as to what you thought about their relationship between Michelle and Sue Deveney and Deanna Cosby? Was it a good one or a bad one?

A. Deanna is sarcastic and that is what I would think that she is a very caring, compassionate person, but she can be sarcastic sometimes and I think what she is doing there is being sarcastic.

Q. And do you know whether or not that was, that her sarcasm was based upon a good relationship with Sue Deveney and Michelle or a bad one?

A. So that you understand --
Q. No, ma'am. I want to have you answer my question. Your lawyer can have you -- he's writing it all down. He wants to ask you to talk about something else. That's fine. I want you to tell me whether or not those words indicate to you that they had a good or a bad relationship.
MR. McNAIR: Again, I think her interpretation is irrelevant.
MR. JOYAL: It came to her.
A. I think Deanna is being sarcastic. You asked me what my interpretation was.
Q. Did she like them?
A. I don't know how Deanna felt.
Q. She never told you about her relationship with Sue and Michelle?
A. She told me that she reported Sue Deveney for not sitting in on -- she reported her to her supervisor and that made Sue very angry.
Q. It made Sue angry. But my question was, did she ever tell you whether she liked or disliked her?
MR. McNAIR: She has answered that.
Q. Yes or --
A. No. She was definitely agitated. She

didn't say whether she liked or disliked them. I don't think that was ever -- there was some tension. Let's put it that way.
Q. And again, you took a client who asked you to do something and you gave information -- you just went and took it to Deanna, rather than give Deanna's e-mail address or telephone number to the person who apparently was supposed to be looking for this, which was Amy Jones, right?
A. Yes. She asked [redacted] to get ahold, or they were having a problem getting ahold of Deanna. I vaguely remember that.
Q. Did Amy Jones approach you or did you know whether Amy Jones approached anybody at OCY to ask for the information about where Deanna was?
A. No, about that.
Q. Now, earlier you told me, you were talking to me about people who had contacted Deanna and you will agree with me, won't you, that all the people that contacted Deanna that you talked about, Mike Calling, Michelle, Sue Deveney about cases were doing it to get information from her about ongoing cases that she had handled, is that right?

A. Yes, sir.
Q. At this point when you contacted her, [redacted] was asking you for information and that was different. That wasn't the same, was it, you weren't asking Deanna for information in your job, you were just relaying a message. Is that right?
A. Yeah. They needed a caseworker on the case. We didn't have one, even though there was one assigned, and they needed a caseworker, the system at OCY, so you understand, is broke, and at this particular juncture, [redacted] is saying, I don't have a caseworker, can someone, you know, help me, I don't understand this process, can you get ahold of Deanna. That was the crux of --
Q. That's what she told you?
A. Yeah. We both knew that [redacted] hadn't shown up, because she hadn't shown up.
Q. Let's get back to what your obligations were as a case aide for OCY. If [redacted] calls you up and expresses all of that to you, right, did you go to Sue Deveney or to somebody else and say, I just got this phone call, what should I do with it? Yes or no.
A. Did I go, yes.

Q. Did you go to her? Did you go to her when [redacted] made this phone call to you and talked to you the way you described, before you mailed the e-mail?
A. Not before. I think I did say something to Sue about it, though.
Q. Not before, but sometime afterwards, you went in, you had already sent this e-mail?
A. Yes, sir.
Q. So you didn't go to your supervisor or someone and say, this person just came to me, you just went directly to Deanna Cosby.
MR. McNAIR: I think she testified she did go to Sue Deveney.
MR. JOYAL: She said afterwards. If you would listen to her testimony --
MR. McNAIR: You mischaracterized her testimony in your next question.
BY MR. JOYAL:
Q. Let's get it straightened out here. Before you sent this e-mail, after that conversation you just described, did you go to Sue Deveney?
A. I believe that I did tell her that they were trying to get ahold of Deanna for the case.

- - - -

It's standard to get ahold of the past caseworker in a case. Deanna had more knowledge about the case than anybody on the planet. I thought nothing of plugging her in and I am sure that I said that to Sue, that they're trying to get ahold of Deanna.

Q. Let's get back to what you know. It's standard practice for OCY to plug in with other caseworkers, is that right? Is that what you're telling me?

A. Or past caseworkers, even after they leave.

Q. Right, so that --

A. It happens all the time. Even right here.

Q. Can you let me finish my question. OCY contacts these people, is that right? OCY contacts these people, is that the standard procedure you're talking about?

A. Actually, the staff, I've seen caseworkers talk to them, I've --

MR. McNAIR: Is your premise that there's some prohibition against a client contacting a former caseworker? Is that your premise? I'm trying to figure out --

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MR. JOYAL: Is it their -- I don't have to talk to you about my premises. I'm trying to get information.

MR. McNAIR: You have seven hours. Use it wisely.

MR. JOYAL: I intend to.

BY MR. JOYAL:

Q. Here is what I'm asking you. When I say OCY, I mean caseworkers, people like you, supervisors, the director, their lawyers. So, I don't mean clients, I don't mean lawyers for clients, I don't mean parents of clients that are outside it, that are not being serviced.

Do you understand what I'm talking about?

A. Um-hmm.

Q. The standard practice is for OCY people to contact former caseworkers to get their input on cases that have been transferred, is that correct? For a certain period of time?

A. In part, yes.

Q. Okay. But five years after a case is gone, they're not calling another caseworker to find out what they knew five years before, because they're not part of the case now.

A. Actually, that's not true.

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Q. Okay.

A. I'm sorry that -- I'm trying to tell you the truth, sir. And I worked there for four years. I know, and in one particular case there was a caseworker that had been off a case for four years. The case was reopened, they had to subpoena her.

Q. Who subpoenaed her?

A. They asked her.

Q. Who subpoenaed her?

A. I believe the courts.

Q. Well, was it a subpoena by OCY?

A. I don't know.

Q. Or was it a subpoena by --

A. I just remember the caseworker who transferred over to CCIS, coming over and saying, you're not going to believe this, I've just been called, it's been four years since I had this case. And she had to go to a court hearing and she was not in a capacity as a caseworker for Children's Services anymore, and she hadn't had the case for four years.

Q. Okay, ma'am. Let me ask you this question: It's very important.

A. Okay.

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Q. Who subpoenaed her? Was it OCY or was it counsel for the parents?

A. She didn't specify.

Q. So you don't know, therefore, when you say that, you don't know whether or not it was OCY that subpoenaed her. You're just telling me, and you understand what my confusion is, you're talking about a standard procedure, but you don't know who did the subpoena, so would you agree with me that you can't tell me whether that was an OCY procedure or whether it was someone who decided to subpoena somebody for a court hearing to testify on behalf of the parents, can you?

A. (Witness shaking head.) Not unless you're talking about individual cases. I would still -- people don't just show me subpoenas or forms or whatever.

Q. I'm talking about the case that you just talked to me about, where the worker had been off the case for four years. You don't know who subpoenaed her?

A. I don't even know what the case was.

Q. So at that point in time we would agree that answer, you don't know whether that was, who did that or whether that was a procedure that you

just described to me?
A. Right. But the statement you made prior to that is that after six years, that a caseworker is not going to get called back, and I can say with assurance that this particular caseworker after four years was in fact called back. The method of why she was called back, I don't know. But her testimony was prevalent and in the sense that it was brought up in a court hearing. So, I was not just making a blanket statement. I was referring to the question that you asked, with all respect, sir.
Q. Let me, with all respect to you, modify my question. Would it be a very rare instance that a caseworker that had been off a case for four years would be called back by OCY?
A. I would think. I would guess.
Q. And that if there was, if the case hadn't been closed, and was an ongoing case, it would be very rare for a caseworker that had been off the case for a period of time to be called back by OCY to give an opinion as to a family that he or she hasn't seen for some period of time, is that correct?
A. I don't really -- I don't have a

statistical chart or gauge. I just know that, you know, I worked there Monday through Friday. You see and hear things. You don't necessarily have, you know, someone gauging or taking statistical figures.
Q. I understand. I'm going to show you another e-mail, this has been marked as Exhibit No. 3.
(Conley Deposition Exhibit 3 was marked for identification.)
BY MR. JOYAL:
Q. These are at least three pages --
MR. McNAIR: Could we get a copy of this?
MR. LANE: We'll make copies of all of these.
MR. McNAIR: Thank you.
MR. JOYAL: Let me ask off the record.
(Discussion off the record.)
BY MR. JOYAL:
Q. Let's go to -- Exhibit No. 3 is the three pages of e-mails which begin on June 4 at 11:12 a.m. and these are from Deanna Cosby and they go all the way until, the last one is from Abby

Conley on the first page, June 7 at 10:04 a.m. They all have the same title, subject line. "Did you call my cell last night."
A. Do you have a copy that I can look at?
Q. It has Matt Granger at the top of it. And the date is June 7.
(Discussion off the record.)
BY MR. JOYAL:
Q. Do you see it?
A. Yes.
Q. You have seen this before, right?
A. Yes.
MR. McNAIR: And this is No. 3.
BY MR. JOYAL:
Q. Let's start here. Go to the third page, because we'll start in chronological order. First e-mail from Deanna Cosby to you at your OCY terminal, subject, "Did you call my cell last night." Right?
A. Yes, sir.
Q. And you responded to, right above that at 11:28 in the morning, "Yes, I did, I REALLY wanted to tell you something! I'll talk to you this weekend, I don't trust this e-mail system (monitored)." Right?

A. Yes.
Q. So you at that point had some concerns that someone was going to be looking at your e-mails?
A. Oh, yeah. I didn't -- I don't know, I didn't have -- I caught someone reading my e-mail.
Q. You said monitored.
A. Yes.
Q. Who looked at your e-mail, was it a caseworker?
A. Yes.
Q. Did you try to hide the e-mail from the caseworker?
A. No.
Q. What was she reading?
A. She was in my cube and I had -- I just left my desk top open all the time because I was in and out of the building, and I saw her reading my e-mail.
Q. And then we get to -- who was it?
A. Michelle Shetter.
Q. She was a caseworker?
A. Yes.
Q. In effect, your supervisor?

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A. No.

Q. Yes?

A. No, actually, a caseworker is not my supervisor. We're considered support staff.

Q. And then the next reply from Deanna, which was the 12:09, "can someone say.... paranoid," and you replied to her, "Paranoid" with an exclamation mark and she replied back to you, with justification, and you replied back to her at 1:17. So we started at 11:12, we're now at 1:17, which is about two hours, after that, you're still talking to her with the same thing and you said, "I have learned not to trust! Zin, the new girl is awesome. She is Christian, normal, and believes in empowerment! God sent her to this unit. I can tell she is going to be one of us!" What does that mean, one of us, what does that mean?

A. Well, as I told you before, we have a caseworker who is engaging in service neglect. We have a supervisor that is also not doing her job. And with Zin, myself, and Deanna, we believe in the policies that are implemented for the agency that we are to empower. We are to encourage. We are to explain and define a

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process. You get -- sometimes a parent might need, in one case, for instance, a parent who is illiterate is going to need their summaries read to them, a parent who might not have support systems within a family, might need some counseling or other aspects. But no matter what, every client needs a caseworker, so when I'm -- and empowerment. Someone behind them, a case can be made or broken by the type of caseworker or professional staff that you have on duty. So when I'm talking about empowerment, it's in the context of helping this parent along, providing the support systems and the methods to help them understand the process.

Q. Okay. And that was, without being facetious, so you three became -- thought of yourselves as the Three Musketeers, you were going to change the world, right?

A. No. Zin was just a student and I was, in my simplicity, just a case aide, but even in my capacity as a case aide, I could encourage, I can help in the sense of, you know, reading a document to someone who is illiterate. Zin was the same kind of person. She got involved in her cases. She wasn't engaging in service neglect.

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Deanna didn't engage in service neglect, I didn't engage in service neglect. It was hands-on involved with their case.

Q. Again, Deanna Cosby is gone. No longer a member of your unit, no longer having any ability to positively impact her clients unless she contacted them outside the normal channels, correct?

A. Well --

MR. McNAIR: What do you mean by normal channels?

Q. Unless she contacted them, you know, unless she was asked by the client or --

A. I know she was going to be subpoenaed to the Court hearing, but [redacted] wasn't showing up to work, so...

Q. There's no question before you, ma'am. Your lawyer asked me to make an explanation. There's no question before you.

A. Okay.

MR. McNAIR: I thought you gave the explanation.

Q. And there's no question --

MR. McNAIR: Restate your question.

MR. JOYAL: I will.

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BY MR. JOYAL:

Q. Let me go back here. What did you mean by, "I have learned not to trust"?

A. Because I saw Michelle reading my e-mail. I think that that is an invasion of privacy when you sit there and, you know, you're looking over someone's shoulder, and it's just, I thought it was inappropriate.

Q. But you've already testified, and we understand that you said, although you don't remember, that you had no expectation of privacy under the computer policy, right?

A. I don't...

MR. JOYAL: Do you want to enter an objection?

MR. McNAIR: You're mischaracterizing e-mail policy, because it didn't provide for monitoring of e-mail by non-supervisors.

MR. JOYAL: Okay. You can argue that.

MR. McNAIR: I imagine that we will.

MR. JOYAL: You can make your own judgment as to what the e-mail policy is since you're not the person implementing it.

BY MR. JOYAL:
Q. And this whole thing of Christian, normal, what does that mean, were others not Christian and not normal in your unit?
A. Christians typically, the methodology, at least in biblical sense, is that when you go to work, that you don't necessarily work for man, but you work unto the Lord, and the concept is you give an honest day for the dollars that you earn, and when you're getting paid, you service the client. So when you don't have someone not showing up to work and just blows the client off for a quarter of a year like P[redacted] W[redacted] did, that is an example of not being Christian. And as far as reference to normality, you know, I had some real issues or concerns, you know, when I was talking to her about --
Q. Talking to who?
A. Deanna, in this e-mail.
Q. So let me understand what you just said to me. You're basing your philosophy on biblical principles as opposed to secular principles that may be the way the agency operates, am I understanding that correctly?
A. No. I think that it kind of defines that

in my statement. I'm talking about learning not to trust. When I'm talking about Zin, the new girl, she is Christian, normal, and believes in empowerment. So I'm filing three separate categories. Christian, my thinking is that she works hard. She is on the job. She is not engaging in service neglect. She is normal in the sense that she doesn't ignore, you know, policies that she is not, you know, coming to work and not doing what she's not supposed to. And believes in empowerment. So it's not just a Christian philosophy, but there's actually three categories there.
Q. When you first told me about it, before that, you talked about a biblical sense?
A. Because you asked me about the word Christian.
Q. And you defined Christian in a biblical sense about work. Now, let's get away from this, "I have learned not to trust," and let's go back to what my other question, which was, your opinion was that this student did not engage in service neglect. How long had Zin, the new girl, been in your unit when you wrote this e-mail?
A. I believe a few --

(Interruption.)
Q. How long had she been there?
A. I'm not really sure. I want to say a few weeks, months. She was new.
Q. A few weeks or months. And what would a student's job be?
A. She was supposed to be getting trained, but she also filed a complaint against Sue Deveney and [redacted] W[redacted] for service neglect, and that suit wasn't -- so that was another part of this, is that when I'm talking about normal, it's in the context that she sees the value in having a caseworker that is showing up to work.
Q. She is a student. What year in school was she?
A. I don't know.
Q. And where did she get the concept of service neglect? Where did she get that from?
A. You would have to ask her. I just know that she told me that she had been thrusted into taking on cases and she just had some concerns because she wasn't -- she was doing case management and not getting the training that she needed and the cases that she had, she had concerns about, and had also filed a complaint.

Q. Let's back up. My question was, did you talk to her about the concept of service neglect?
A. Zin?
Q. Yes.
A. Yes. I believe I did.
Q. When did you first talk to her about the concept of service neglect, when she first came aboard?
A. No. She --
MR. McNAIR: You mean service neglect or empowerment?
MR. JOYAL: Service neglect.
A. When she was complaining about how crazy OCY was, just that we're not -- they weren't doing what they were supposed to. She just complained.
Q. She was complaining to you?
A. But I don't think that that was --
Q. Stop for a minute, please. The question is, she was complaining to you about OCY?
A. Yes.
Q. And did you encourage her complaints or did you tell her that, you know, she is new, she'll learn, what did you tell her?
A. That she should, you know -- she told me

that she had reported it.
Q. When she first was talking to you about her complaints, as a student, do you know what year in college she was in?
A. No.
Q. Do you know anything about her education?
A. She was getting her bachelor's degree in social services.
Q. Do you know what year she was in?
MR. McNAIR: Again, she has answered. It's been asked and answered three times, she has answered that she doesn't know.
A. I'm not sure.
MR. McNAIR: You're not going to beat her into making an answer that is inaccurate to get her off your back. Please stop it.
BY MR. JOYAL:
Q. What were her duties? Do you know what her duties were?
A. I do. The student is supposed to, in a perfect synopsis, be under a caseworker and mentoring. That wasn't taking place. She was actually carrying cases, and I saw her as she saw me, doing visits, you know, bringing kids in, leaving with kids, supervising visits, picking up

and, you know, basically the same job I was doing, but technically, she was supposed to be getting mentoring, learning how to be in case management, etcetera.
Q. What were you teaching her?
A. She sat in on visitations, different visits that I would have and that was basically it. She was going to --
Q. So she was complaining to you, someone who had already talked to people about your feelings about the shortcomings of the unit that you were in?
A. I'm sorry?
Q. She was complaining to you and you were a person who had already spoken to other people about the shortcomings of your coworkers in the unit you were in, is that correct?
A. I didn't really talk to her -- I didn't complain.
Q. I didn't say you complained. Her complaints came to you, and you had already been someone who had complained about other workers.
A. It is what it is.
Q. Well, is it what it is? My question is, had you done that in the past?

A. I don't understand your question.
Q. Let me stop. You have already testified that you had made complaints and talked about this whole concept of service neglect prior to this e-mail, is that right?
A. Yes.
Q. And this girl came to you, she is a student, and she started complaining and using terms like service neglect to someone who had already done that.
A. That is my term. What she did is talked about the fact that the caseworkers were not showing up to work, that Sue was not sitting down with her on a weekly basis going over her cases, she was complaining about the caseworkers not doing their job. The service neglect term comes from me.
Q. So you made that term up.
A. Yes.
Q. It has nothing to do with any term of art of social work?
A. No, sir.
Q. During the period of time that you were there from the year 2000 until 2004, how many books on social work did you read, any?

A. No.
Q. And how many times did you go to your supervisors and ask them if they might be able to get you involved in college courses so that you could learn a little bit more about the dynamics of social work?
A. I didn't.
Q. You didn't. Did you ever go to Mercyhurst or Gannon or even the Community College here and take a course in sociology?
A. No, sir.
Q. And did you ever, during that four-year period of time, try to expand your education?
A. Yes.
Q. By taking those courses?
A. Yes.
Q. Through who?
A. Bible Institute.
Q. The Bible Institute. So you never took a course in social work or anything like that that was given by a college that would lead to a degree as other social workers did, is that correct?
A. Right.
Q. You went through the Bible Institute?

A. That is my area of interest.
Q. That is your area. So can you provide to Mr. McNair, and I'm doing this on the record, all the courses from the Bible Institute that had to do, that you took, with your grades, about social work. Because I'll do it by form. Do you have that documentation? Do you have the syllabus of the course, the tests, and things like that that had to do, from the Trip Bible Institute, about social work?
A. There's not really anything about social work. It's more about how you conduct yourself, your character.
Q. As a Christian.
A. Yes.
Q. So when you were talking about all of these concepts that you came up with on social work, these had nothing to do with established principles that had been followed for years about social work, you were talking about what the Bible Institute told you about how you conduct your life, is that right?
A. In what context am I talking? I'm sorry. I'm missing something. I don't understand.
Q. Let's go -- you answered a question for

me, you never took a course in social work of any type?
A. Yes, sir.
Q. All of your education and training about social work came through the Trip Bible Institute. Is that right?
A. My education of theology came through the Trip Bible Institute. Not sociology.
Q. Let's go back, then, to make sure we understand each other. I think maybe you misunderstood my question. It's fair to say that from the time you started working at OCY until the time you terminated from OCY, you did not take any course or training offered by a college or any other institution about principles of social work and how to deal with families.
A. Right.
Q. But you did take various correspondence courses from the Trip Bible Institute to teach you how to live your life?
A. Yes.
Q. So when you talk about this term that you made up of service neglect, did that come from your mind or did that come from the Trip Bible Institute?

A. It came from my mind.
Q. And you made it up.
A. Yes.
MR. McNAIR: The concept of service neglect or the term?
MR. JOYAL: The term.
MR. McNAIR: Applying it to somebody who isn't doing their job, that they're being paid to do.
MR. JOYAL: Applying. Whatever way.
THE WITNESS: They're neglecting to service the family.
MR. JOYAL: This is the term that --
THE WITNESS: I don't think --
MR. McNAIR: Let's take a break now. We'll be back in an hour.
MR. JOYAL: She is not leaving until the question is answered.
MR. McNAIR: Okay.
BY MR. JOYAL:
Q. Service neglect is a concept you made up.
A. Yes, sir.
MR. McNAIR: It's a term, isn't it?
MR. JOYAL: No. Wait a minute. She just answered the question. Do you want to

cross-examine her?
MR. McNAIR: She was misled into it.
MR. JOYAL: Oh, please.
MR. McNAIR: Please what?
MR. JOYAL: She was misled into it. We'll be back in 20 minutes, 2:30.
(Luncheon recess, 2:06 o'clock p.m. until 3:01 o'clock p.m.)
AFTERNOON SESSION
BY MR. JOYAL:
Q. Let's go back to Exhibit No. 3, if we could, ma'am. We were on page 3, which was the last page of it. Let's just move over, if we could.
A. It says [redacted] on the top.
Q. Let me just take Exhibit No. 3 and ask you this question: These are e-mails that came and went between you and Deanna Cosby from June 4 until June 7, is that correct?
A. Yes.
Q. During those three days, the 4th, 5th, 6th, and 7th, four days, did you and Deanna Cosby speak over the telephone?
A. I don't know. We could have.
Q. The reason I ask is this: There's an

e-mail on page 2, again, you start at the bottom, and there's one, two, three -- there's a line that says, original message, okay. Do you see that, from Deanna Cosby at 1:31 p.m.?
A. Yes.
Q. The question is, "do you think I'm wrong for wanting to help VW?" VW is V[redacted] W[redacted]; is that right?
A. Right.
Q. Had you spoken to her on the telephone prior to 1:31 p.m.?
A. I could have.
Q. And at that point in time, did you tell her about the detention order that the department was seeking for her unborn child?
A. Hum-mm.
Q. You didn't?
MR. McNAIR: Did she talk to who, V[redacted] W[redacted]?
BY MR. JOYAL:
Q. No. Did you talk to Deanna Cosby. I'm sorry, didn't make that plain. Did you speak to Deanna Cosby at all on the telephone that day?
A. I don't remember.
Q. And you say that you never told her about

the order. Right? Is that what you're telling me?
A. I didn't have to. She already knew.
Q. How would she know about a detention order that had not been served on anyone?
A. Because under the circumstances, the child would be detained.
Q. Under what circumstances?
A. V[redacted] W[redacted] had two children in foster care, and she was already pregnant when Deanna had the case, and Deanna already -- it's like, under the circumstances, we're going to detain, and a very high probability, and either a child would go to kinship care or foster care. It's a given under the circumstances. She already had two kids in foster care.
Q. It's a given under the circumstances. So you mean that the agency just goes into court with an order and doesn't have to present any evidence and the judge will sign off on it, Judge Kelly would sign it, is that what you're telling us?
A. I don't know all the procedures at all.
Q. Then how do you know it's a given?
A. Because of all the hundreds of cases I've

had before.
Q. Now, if that were the case, if it were a given --
A. Maybe given is a bad word. It would be of high probability under the circumstances. Chances are that that is what would occur.
Q. Now, you were at that point in time an employee, right, of OCY?
A. Yes, sir.
Q. And you were bound by OCY, as part of your job, to conform to all the rules and regulations of OCY, is that correct?
A. Yes.
Q. In the state, and the statutes. And her question to you at 1:31 p.m. was, "do you think I'm wrong for wanting to help?" Then when we flip up to the response that you gave her at 1:39, you say "No, I want you to help her. I'm crushed by what is going to happen. It's just not right Deanna." Right?
A. Yes.
Q. Your responsibility for your job would be to do what?
A. To do my job.
Q. To do your job, which meant if you

followed the rules and regulations and the statutes, would be to not be saying things like, I want you to help her, isn't that true?
MR. McNAIR: Objection. Argumentative.
Q. Isn't that true?
MR. McNAIR: Objection. Argumentative.
MR. JOYAL: That's fine. She can answer.
BY MR. JOYAL:
Q. Your job would have been not to do that, would it?
MR. McNAIR: Objection. Argumentative.
A. Under the circumstances, not having a caseworker on duty, this mother needed help and wasn't getting it.
Q. But you were --
A. And she was being processed without any definitions or explanations or anything. She was being essentially led and not -- she didn't understand the process. Like I told you earlier, I'm not a caseworker. I couldn't be a caseworker, and the caseworker that was on this

case did not show up to work for a quarter of a year, and it really stunk that -- not just what the child, but the kids in foster care, this mother doesn't know what is going on.
Q. Okay, Ms. Conley. An exhibit earlier, you and I both talked about the fact that she had a lawyer. Her lawyer was representing her?
A. Yes.
Q. Correct?
A. (Witness nodding head.) Yes.
Q. Her lawyer's job would be to do what was necessary to protect her rights, correct?
A. Yes.
Q. Her lawyer would have known as a lawyer what to do in case there was a detention, wouldn't she?
A. I don't know.
Q. You don't know?
A. I would think, yes.
Q. You would think, yes. So here you go, and you're telling Deanna Cosby to help her.
A. That isn't what I said, she asked me my opinion, what I thought about it. I didn't tell her to help her. It was in reference to her question.

Q. Your response was, "No, I want you to help her."
A. That's what I would think.
Q. "I'm crushed by what is going to happen." You told her to help her. You didn't say I don't have an opinion on whether you should help her, you said, I want you to help her. Right?
A. I think.
Q. Yes?
A. She asked me a question and I was answering her question.
Q. The simple answer is the e-mail says, "I want you to help her." Isn't that true?
A. Yes. That's what it says.
Q. Let's go to the next one. She wrote you back, shortly thereafter, probably right away, "I'm not if you personally think it's right or maybe I am but from a Christian stand point." Do you understand what that means?
A. Whether or not that there was a moral conflict with --
Q. With the law?
A. With what she was doing.
Q. In your mind was there a moral conflict with what the law and the OCY regulations were

all about?
A. I'm not familiar with all the laws. I'm not an attorney.
Q. You said you had hundreds of cases, you know, you said as a matter of course, with [redacted] [redacted]s history, that there would have been a detention; hundreds, you said. You know what the law is. Do you know what the procedure is?
A. I know what I saw first --
Q. No, that wasn't my question. I would really like to stop you.
MR. McNAIR: I think she testified that she doesn't know what the law is, she doesn't know what the procedure is. I would ask you to stop trying to cram that down her throat.
BY MR. JOYAL:
Q. Explain to me why you used the term, over the hundreds of cases I know about, I know what the procedure is, what you said is true, that you don't. Do you know the procedure?
A. I know what happens in the other cases that I held.
Q. And in any of the other cases that you held, did you tell anyone about a detention order before it was served?

A. You don't tell parents about detention orders.
Q. So in this particular case, you didn't tell the parents -- you didn't tell the parent about the detention order, is that right, but you told, the idea was that you told Deanna Cosby that she should tell the parent about the detention order?
A. No way.
Q. Let's go back to the next one. After she wrote you that e-mail at 1:39, the next one that came back was from you to her was at 1:51. By the way, what were you doing in terms of your own job while you were doing these e-mails?
A. It's hard to say. In the line of work that I do, you don't necessarily get, you know, from 12 to 1 for lunch, from 1:15 to 1:30 for break.
MR. McNAIR: I think you have this out of sequence. I really do.
Q. 1:34, 1:39?
MR. McNAIR: 1:51 looks to be a response to the 1:49. It makes a difference here. If you're going to start putting things out of order and misrepresenting exhibits.

MR. JOYAL: Mr. McNair, what difference does it make?
MR. McNAIR: It makes a difference.
MR. JOYAL: To what?
MR. McNAIR: You're saying and then did you this and then did you that.
MR. JOYAL: Well, I'll turn it back.
MR. McNAIR: Why don't you ask that.
MR. JOYAL: We'll turn it back for the 15 seconds it took to come back.
BY MR. JOYAL:
Q. At 1:39 p.m., from the 1:34, I presume, she turned around and sent you one back that says, "I'm not if you personally think it's right or maybe I am but from a Christian stand point." So we'll take Mr. McNair's thing, 15 seconds later, it says, "No, I want you to help her." So she was then, at 1:39:00, apparently, asking, telling you -- having a doubt as to whether she should help her, and you turned around 15 seconds later and told her to help her, that you wanted her to help her. Do you agree with that?
MR. McNAIR: No, we don't agree to that.
MR. JOYAL: Mr. McNair, you're not

testifying.
MR. McNAIR: That is going to be the subject of expert testimony.
MR. JOYAL: What expert? You haven't identified an expert. You haven't identified an expert in your disclosure. You haven't done anything of the sort. Don't talk to me about the subject of expert testimony.
MR. McNAIR: If you want this into evidence, Bubba, you're going to have an expert.
MR. JOYAL: Listen. No. 1, my name is not Bubba.
MR. McNAIR: I forget your name. Put these in sequence. I know how to read e-mail, and apparently you don't. I'm getting tired of this.
MR. JOYAL: Be tired all you want. Here we go.
BY MR. JOYAL:
Q. 1:39:15, what did you write her back? What did you write her back? No matter what the time was, did you tell her you wanted her to help her? Yes or no.
A. Yes.
Q. Let's go to one --

A. In the context of answering the question below, she asked me what my thoughts were. I did not -- I was not asking her to help -- do you think I'm wrong for wanting to help [redacted]. My thoughts, I was not asking her to tell [redacted]. My thoughts were, no, you're not wrong. I want you -- I wasn't specifically saying, go out and help her. I wasn't giving orders. She asked me a question, whether or not I thought she was wrong for what, she wanting to help, and I said no. I wasn't giving an order. I was answering a question.
Q. We'll go into the context of these as they go forward. At what point in time, if any, from the first e-mail that you sent her which was Exhibit 2 on the 27th about [redacted]'s attorney wanting her to call her to this e-mail at 1:39:15, when did it start to occur to you that maybe you were getting into a point where you were starting to be inappropriate and having inappropriate discussions about a client of the agency with someone who was no longer a person entitled to that information?
A. This was a third party, I would think that it would be inappropriate, but if you're

talking about the former caseworker, not Jeffrey Dahmer. This caseworker knew this case better than anybody on the planet. Again, I'm going to reflect the fact that was a caseworker who was not doing their job. The system at the office of children and youth is broke.
Q. I'm going to stop you. You're not being responsive to my question. My question was fairly simple. You gave me an answer which was, never. Here is my question again, based upon what we've talked to before --
MR. JOYAL: Excuse me.
MR. McNAIR: Do you have a problem?
MR. JOYAL: I do have a problem. You can't write that down and suggest answers to her. And what I'll do right now --
MR. McNAIR: I'll save that and ask it.
MR. JOYAL: You may want to save it and ask it. You better save it because I'm going to ask the judge to be able to see it. It's a violation of the Federal rules. You can't do that.
BY MR. JOYAL:
Q. Deanna Cosby was not a person entitled to

any information from you out of this case file, confirmation or no confirmation about whether there was a detention order, is that correct?

MR. McNAIR: Objection. You're asking her for a legal conclusion.

BY MR. JOYAL:

Q. I showed you the statute.

MR. McNAIR: The answer you obviously want is incorrect.

MR. JOYAL: Really?

MR. McNAIR: Really. Who has standing to object?

MR. JOYAL: To what?

MR. McNAIR: To this breach of confidentiality.

MR. JOYAL: The state.

MR. McNAIR: How about [redacted] not having an objection, how about [redacted] wanting this communication to go forward.

MR. JOYAL: You know what?

MR. McNAIR: You have [redacted] ready to testify that she feels harmed by this?

MR. JOYAL: I don't care about -- [redacted] --

MR. McNAIR: You don't know her.

She is nothing to you because you represent the agency.

MR. JOYAL: You're so full of it that it's coming out of your ears. Stop making a speech and let's get to where we're at here. If you want to argue that to a jury, be my guest, if you get there. Let's go back to where we were.

BY MR. JOYAL:

Q. Let's go back, after this e-mail, let's go up to the top one which is 1:49. Let's make sure that it's in sequence. 1:49 p.m. Friday, June 4. From Deanna Cosby, "You know I'm not in any position to judge who's sin is greater I don't even believe I can weigh it that way aren't all sins," whatever. What you are doing is -- what you are doing, this was directed to you, right, this is to Abby Conley?

MR. McNAIR: You're entitled to your interpretation of it.

MR. JOYAL: I'm just reading it.

MR. McNAIR: No, you're not. You're browbeating her. You're raising your voice to her.

MR. JOYAL: Let me lower my voice. I apologize for that.

BY MR. JOYAL:

Q. June 4, 1:49, to Abby Conley from Deanna Cosby, right?

A. Yes, sir.

MR. McNAIR: There's no from.

MR. JOYAL: It's on the first page.

MR. McNAIR: Okay.

BY MR. JOYAL:

Q. By the way, Deanna Cosby was using, as far as you know, the Mecklenburg, North Carolina web site to talk to you about this stuff?

A. Her e-mail, yes.

Q. At her work site?

A. Yes.

Q. She says here in this paragraph, and I'm going to read it, you tell me if I'm reading it correctly. "What you are doing is not a sin because you did speak up several times in VW's defense but what I'm asking is in your Christian experience would I be wrong if I tried to help."

Now, how did she know that you had spoken up several times in [redacted]s defense?

MR. McNAIR: Because if you look at the e-mail. Goddamn it, I've had enough of this. She is responding to --

MR. JOYAL: I'm going to call the judge. I'm calling the judge.

MR. McNAIR: You do that. Get the judge on the phone. I'm tired of this.

MR. JOYAL: You know what, I don't know what you're trying to pull here. I'm asking her -- what is your objection?

MR. McNAIR: My objection is that you're asking about -- you're assuming that that reply is to this 1:39 e-mail and it's obviously not.

MR. JOYAL: I'm not making any assumptions.

MR. McNAIR: It's prior to the 1:51 e-mail. Because computer clocks are different.

MR. JOYAL: So you know how to read them, are you a computer expert?

MR. McNAIR: I know enough about computers to know that the date that goes out on an e-mail is whatever is on the internal clock of the computer. If it's wrong, you're going to get a wrong time. But when you look at this --

MR. JOYAL: Sit down.

MR. McNAIR: You see she is replying to the matter that is below it.

MR. JOYAL: I'm going to move to strike everything that Mr. McNair said because apparently he doesn't understand that it's not up to him to testify for his client, nor does he understand the Federal rules.

MR. McNAIR: I understand the Federal rules.

MR. JOYAL: I don't think you do. Because if you did, you wouldn't be doing what you're doing here, which is all total violation of the Federal rules. I'm going to reserve my right to bring her back with the judge presiding.

MR. McNAIR: Fine.

MR. JOYAL: We'll go forward.

MR. McNAIR: You want to do that, fine.

MR. JOYAL: We will. Because you're obstructing this deposition. You're absolutely obstructing the deposition. I'm reading from e-mails that she has already admitted came to her.

MR. McNAIR: You're deliberately putting them out of order to misrepresent the facts.

MR. JOYAL: Am I really? Have a

seat.

MR. McNAIR: Yes, you are.

BY MR. JOYAL:

Q. Ms. Conley, let's not even talk about the order, because I'll give you an opportunity to explain what these mean. My question to you is this: Let me ask another question. As you sit here today, do you have any recollection of talking to her on the telephone at all during any of the periods of time?

A. Not at work. I think I talked to her, I don't know, on the telephone all the time.

Q. But I'm asking you in this time frame, you've heard Mr. McNair's speech about how they were, there were computer clocks and this and that and how he thinks I'm deliberately putting things out of order.

A. When you were talking about Esther today, I thought about what you said, so it confirms her and I spoke sometime that day about the book of Esther.

Q. And maybe about V[redacted] W[redacted]. Right?

MR. McNAIR: Objection. Speculation.

A. I can't say.

Q. Is it possible you could have spoken to her?

MR. McNAIR: Objection. Calls for speculation.

Q. She can answer.

Is it possible you may have spoken to her when you talked to her about the book of Esther?

A. I can't recall.

Q. Can't recall. Okay. Let's go on to that one, because I think this is the one that Mr. McNair seems to think was before the 1:49.

A. Okay.

Q. And you're not sure as you sit here today whether the one that says 1:49 came in before the one that says 1:51, are you?

A. I'm looking, sir. Can I have just a second?

Q. Sure, you can.

A. (Witness reviews document.) It seems to me that the 1:51:53 comes before the 1:49.

Q. All right.

A. Because the last statement of that paragraph, I make reference to whose sin is greater, theirs or mine. And that's when, above that, she is, refers to -- that is the way the

e-mails go.

Q. Where in the 1:51:53 do you make a reference to whose sin is greater?

A. The second paragraph down, it says...

Q. Who's sin is greater?

A. "Who's sin is greater, theirs or mine?" Then Deanna responds, "You know I'm not in any position to judge who's sin is greater." So this came --

Q. That is fine. Thank you very much for pointing that out to me. Let's go down to what you wrote to her before. "Facts are this, P[redacted] has severe mental health issues, Sue does not have the professional aptitude to make the call that she has on VW."

A. She doesn't.

Q. Let me ask you this question, ma'am: These are two people that have social work degrees, is that correct, and you have none?

A. That is not in the context.

MR. McNAIR: Objection. Argumentative. Ask a question, ask a question. We're going to terminate this.

MR. JOYAL: Okay.

MR. McNAIR: I'm not going to have

you sit here and yell at my client anymore.
BY MR. JOYAL:
Q. What did you base this on, what do you base --
A. Do you want to hear it?
Q. Let me ask you a question. I'm going to get to hear it.
A. Okay. You asked me a question. I'm trying to answer. But you keep interrupting me.
Q. I'll ask you this: Under what circumstances or under what authority or under what training, it's a three -- I'll give you three of them, for you to say that [redacted] has severe mental health issues?
A. I'm not coming out as a Ph.D. psychologist when I am making that statement. [redacted] had not serviced this client for a quarter of a year.
Q. Okay. I'm going to stop you now. You're not being responsive.
A. I am, if you would give me a chance to get to it. There's a point.
Q. We're going to get to the severe mental health issues part?
A. Yes.

Q. Go.
A. The second is that this woman, there's a court order from Judge Kelly on the table that defines that she is supposed to up the ante and do more supervision of this family. She has not.
Q. Where is the Court order? And where did you see it?
A. I saw it in the process of servicing the case.
Q. I thought you said you didn't look at the case file.
A. I didn't.
Q. You said you had your own file. Where was the Court order that you just referred to that said she was supposed to supervise the case more? Where was it?
A. Attached to the service.
Q. What service?
A. The service plan, service request or whatever it's called.
Q. What service request and what was the date?
A. I don't know.
Q. So when you told me before that you weren't really looking at [redacted]s file, you were

mistaken?
A. No. In [redacted]'s file, there were some givens. She was supposed to, and I know that I got that from Deanna as well.
Q. Wait. Stop for a minute.
MR. McNAIR: Would you please stop interrupting her.
MR. JOYAL: No. She's not responsive. We'll be here for the next week.
THE WITNESS: Okay.
BY MR. JOYAL:
Q. Answer my question. Are you telling me as we sit here today, and you're going to tell a jury, that Deanna Cosby, who you're not even sure when she left the agency, knew what was, had transpired since she left in [redacted]s file?
A. It was already established.
Q. Yes or no it was established, but nothing happened in terms of court for [redacted] between the time Deanna Cosby left and the time that these e-mails were done, is that what you're telling me?
A. Before Deanna left, Judge Kelly had ordered that the case have a higher level of

service, I believe it was in February. I specifically remember that.
Q. February of 2004?
A. I think so.
Q. Okay. When did -- excuse me. This will make it easier. When did Ms. Cosby leave?
A. In February.
Q. You're not sure of that?
A. In February.
Q. She left in February?
A. Yes, sir.
Q. So when Ms. Cosby left, the judge had issued an order about her case saying it needed a higher level of supervision. The case that she was working on, the case that the judge would have been looking at her work, is that correct?
A. Actually, something, an incident occurred with this particular mother being involved with a bank robber, and that was towards the end of Deanna's involvement in the case. The dynamics of the case changed at that particular point. Visits went from unsupervised to supervised, and then I know that there was some concerns about mom's involvement with this bank robber, the father of the baby.

Q. We're back talking about severe mental health issues. In December of 1999, you were diagnosed with bipolar disorder, is that correct?
A. No.
Q. It wasn't?
A. No.
Q. Did you tell anybody that you had been diagnosed with bipolar disorder?
A. I think what I said is that they had concerns that I might have bipolar.
Q. And you had been put on medication for depression and mental health issues, correct?
A. Yes.
Q. And you were substitute, and you are a person who was talking about someone else's mental health condition, you who had been diagnosed and treated for depression and tried to commit suicide twice?
MR. McNAIR: Mr. Joyal, may I ask you to explain the relevance of that to a fact in issue in this case?
MR. JOYAL: No. Answer my question.
MR. McNAIR: I'm going to direct her not to answer.
BY MR. JOYAL:

Q. You agree with me, don't you, that you had been treated for severe depression and had mental health issues, is that right?
MR. McNAIR: That's been covered. Move on.
Q. You had been given medication at some point in time?
A. Yes.
Q. And that it was only after you started at the Trip Bible Institute that you stopped that. Have you been --
A. Shortly after that I stopped taking medication, because it made me sick.
Q. When was the last time you were, you know, treated with a mental health professional?
MR. McNAIR: Objection. There is no relevance to that. That is privileged.
MR. JOYAL: It's privileged?
MR. McNAIR: It's privileged.
MR. JOYAL: It's part of your damages claim.
MR. McNAIR: File a motion.
MR. JOYAL: Withdraw your claim.
MR. McNAIR: No. She's not claiming mental health treatment as a result --

MR. JOYAL: She is claiming mental health. She certainly is.
MR. McNAIR: She is not claiming that she required mental health.
MR. JOYAL: She is claiming she was emotionally distressed.
BY MR. JOYAL:
Q. Where is it that you in some sort of professional capacity can make a judgment as to Sue Deveney's professional aptitude?
A. She is not sitting down with her caseworkers once a week going over cases. Had she known that, she would have known P[redacted] had not shown up to work for a quarter of a year. The system is broke at OCY.
Q. And the system was broke when you were with the mental retardation people and the system was broke at 911 as well, wasn't it, and didn't you tell people all that?
A. I never went into any of that at the 911 center. If what you're trying to correlate is some history, sir, I think that it's responsible to describe when something wrong is happening.
Q. Ma'am, every place that you have worked you have complained and said that your judgment

was better than the people that were running the system, isn't that correct?
MR. McNAIR: Objection. This is simply argumentative and it's redundant. Would you please ask some questions about the case or let us go on about our business?
MR. JOYAL: We are asking questions about the case, Mr. McNair. Again, maybe if you read the case a little bit, we would get further on with this.
(Interruption.)
BY MR. JOYAL:
Q. Let's go on to the first page. This was an e-mail, apparently, on the 4th at 1:56:48. And I presume it's a response from you to the 1:49 one, since you said the 1:51:53 came before 1:49. Did you tell Deanna, "Your in a better position than I!" And then shortly -- then there's one at 1:56 and 1:59, which says, which Deanna is telling you about a kinship policy, correct?
A. This seems to me there's something wrong here.
Q. What is wrong?
A. It seems like it's out of order.

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Q. Well, help us out here with the order, then, as you recall it, a year ago.
A. I see. Okay. I follow you. I'm sorry. My mistake.
Q. So she responded to you about a kinship policy that was issued in December of '03?
A. Yes.
Q. That she was going to forward to the attorney.
A. Yes.
Q. Right? And then there's a message from 6/4 of 2:29:53, and I'm going to presume that that is maybe wrong, okay?
A. What is this, you're being smart?
Q. I am not being smart. I'm trying to look at these things in context, and I see that what you said in this one was, "I just spoke to [redacted] last night, she was not in labor. Her attorney told [redacted] that she has nothing to worry about when it comes to the unborn child. She told Vickie that we (OCY) cannot detain. [redacted] is taking her attorney's advice. She is due any day. [redacted] has detention letters at all the local hospitals. [redacted] does not see this coming." Now, did that one go, was that one

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before -- when you wrote in that that you had spoken to [redacted] last night, was that the night of the 3rd? Where you were talking to her about the detention orders?
A. Well, I don't know in what context, because I talked to the clients every week in my capacity as a case aide to set up visits, and I have to talk to them, and I want to say that her visits were on Wednesdays, if I recall, and this -- it looks like Friday.
Q. We can get a calendar for you, ma'am.
A. It says Friday, June 4th.
Q. Did you speak to her the night of June 3rd?
A. I can't recall. I'm not positively sure.
Q. You're not positive. But you wouldn't have written something about speaking to [redacted] and talking to her about detention orders and stuff like that and talking about what her lawyer said if you didn't do it, would you?
A. No. I definitely remember talking to Vickie.
Q. And you gave her information about detention orders at that point, didn't you?
A. [redacted]?

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Q. Yes.
A. No.
Q. Did you then go to your supervisor or the caseworker that had been assigned to the case and say, I spoke to [redacted] [redacted] last night, and was talking about a visit, and she's talking to me about detention orders? Detention orders -- let me withdraw that question. Detention orders are supposed to be confidential, is that right?
A. But you do understand that in this context it was --
Q. Please answer my question. Detention orders are supposed to be confidential, is that right?
A. Yes.
Q. And if a client talked to you about a detention order, then in your capacity as a social -- as a workers' aide or a social worker aide, you have a responsibility to talk to the agency and say, something might happen here, because she knows about this detention order. I don't know how she knew, but somebody told her.
MR. McNAIR: Objection. Argumentative.
BY MR. JOYAL:

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Q. Would that not be your responsibility, ma'am, to notify someone that a client who was going to have a child knew about something that might be happening?
MR. McNAIR: Objection. Foundation. Speculation, argumentative.
MR. JOYAL: Answer my question, please.
BY MR. JOYAL:
Q. Yes or no?
A. No.
Q. So your responsibility would not be to go to the agency to tell them that a mother who has two children in foster care might do something that might end up harming her unborn child, is that what you're telling me?
MR. McNAIR: Objection. Foundation, relevance, speculation.
MR. JOYAL: Fine.
BY MR. JOYAL:
Q. Answer the question.
A. In this context, that is not what [redacted] was saying. She was talking about a discussion that her attorney had with her that she -- that OCY could not detain. She was under the

impression that they weren't going to detain is what I'm reading from this.
Q. Well, wait a minute, ma'am.
MR. McNAIR: Stop interrupting her.
Q. A year later?
MR. McNAIR: One more time and I'll call the judge.
Q. A year later --
MR. JOYAL: Why don't you advise her to respond to the question instead of giving me a speech.
MR. McNAIR: I thought that was responsive.
MR. JOYAL: It wasn't and you know that as well as I do.
BY MR. JOYAL:
Q. You had an obligation, which we've already talked about, to keep detention orders confidential, right?
A. (Witness nodding head.)
Q. Yes. And what do you then tell, no matter what the context, what do you then tell Ms. Cosby in North Carolina, [redacted] has detention letters at all the local hospitals, [redacted] does not see this coming. You said that, right?

A. Yes.
Q. You admit to that. And what did she respond to you?
A. She will.
Q. She will. And when you heard the she will, did it then occur to you that maybe your conversation was going to lead to someone who shouldn't have had that information, divulging a confidential piece of information to a client?
MR. McNAIR: Objection. Argumentative.
Q. Answer.
A. No.
Q. No. You didn't care, did you?
A. I cared.
Q. You cared about what, you didn't care about -- who did you care about, [redacted] or the unborn child?
A. All parties involved. I wouldn't want to cause a flight risk.
Q. Really?
A. Yes, sir.
Q. Well, then, let me show you a document. This is Exhibit No. 14. Tell me if you've ever seen that before.

A. (Witness reviews document.)
MR. McNAIR: Would you mind identifying it.
MR. JOYAL: Sure. Let me have it for a second, Ms. Conley.
BY MR. JOYAL:
Q. This is a letter dated 6/3/04 from [redacted] to [redacted], [redacted], who is [redacted]'s father. Have you ever seen this before?
A. No. Until today.
Q. All right. May I have it back, I'm going to read it to you, because he has a copy of it right here.
MR. McNAIR: First of all, how many pages is this document supposed to be?
MR. JOYAL: I don't know. One, two, three, four, five.
MR. McNAIR: Can you explain to me why it's signed on page 3 at the bottom?
MR. JOYAL: Because it's out of order, Mr. McNair, I presume. Is that really a --
MR. McNAIR: Yeah, authentication.
MR. JOYAL: I'm sure we'll get it authenticated. If you want to lodge an

objection.
MR. McNAIR: How do you plan to authenticate this?
MR. JOYAL: Sure. I'm going to have it done by Mrs. [redacted] and under the authority that [redacted] gave to OCY to get copies of her letters. Under the authority that Mr. [redacted] gave for his correspondence to be turned over to OCY.
BY MR. JOYAL:
Q. Let's start with it. It's the third, dated 6/3/04. "Hey sweetie, sorry about tonight. I talked to Abby for a while then talked to Leslie, and actually didn't even get to work on time. I didn't get off with Leslie until almost 10:30. Sorry. I hope this is what you thought was going on." "Anyway, Abby said that [redacted] and Sue had a meeting about me and that she is mad because they're working against me instead of for me and that they're going to put up a fight against me, and that [redacted] will probably be at most of my visits from now on, so this sucks. Sorry my writing is messy. Sue just" --
MR. McNAIR: Could you indicate for the record where you're skipping?

MR. JOYAL: I'm not skipping. I'm in the same place.

BY MR. JOYAL:

Q. "P[redacted] will probably be at most of my visits from now on, so this sucks." I read, "Sorry my writing is messy, but I just" -- I can't read that -- just something a 3 page letter to my attorney, "wrote a 3 page letter to my attorney, telling her what Abby, P[redacted] and Leslie all said. And I told her I wanted to buy a copy of the court transcript."

Okay? Did you talk to V[redacted] W[redacted] about conversations that P[redacted] and Sue Deveney had about their plans concerning her case?

A. Only in general terms. I wouldn't divulge anything of substance. I don't know what she is referring to there.

Q. Let's be simple: Did you talk to her about the caseworker and the supervisor's conversations about her and her case?

A. I don't recall any such conversations like that.

Q. This does not refresh your recollection as to talking to her on the 3rd about these things?

A. No, sir, it does not.

Q. It doesn't.

Why did you say -- let's go to the e-mail, No. 3. Why did you say, "We are in the paper again today, and in the letter to the Editor. God bless you, Deanna"?

A. Because she was going to help.

Q. V[redacted]?

A. She was going to talk to V[redacted]'s attorney.

Q. No. She was going to talk to V[redacted], right? "Thanks, but for what." You said, "she will, VW."

MR. McNAIR: Objection. Argumentative. You don't like her answer --

BY MR. JOYAL:

Q. Did you know she was going to tell V[redacted] about the detention at all the local hospitals?

A. No.

Q. You didn't.

A. I had --

Q. There's no question before you, ma'am.

MR. McNAIR: You can explain your answer.

MR. JOYAL: You can explain it at

the time he asks you about it.

MR. McNAIR: You can explain it now.

BY MR. JOYAL:

Q. I'm going to show you another letter which is Exhibit No. 15. Have you ever seen this before?

A. No.

Q. Do you see the date on that letter?

A. 6/5.

Q. 6/5. These were after the e-mails, right, on 6/4?

A. Yes, sir.

Q. Mr. McNair has a copy of it. Let's start out, "R[redacted], hey," somebody, I can't read that, "I wish I would have told you to call me in the AM one of these days but I didn't know. The reason Deanna called me is to warn me that they're going to detain M[redacted], and they're trying to put her in a foster home rather than with your mom. She actually suggested I leave town and have the baby, but if I miss a visit with my kids, P[redacted] will use that as abandonment."

Didn't you just tell me that you wouldn't have done anything to help facilitate a flight?

MR. McNAIR: Objection.

Argumentative.

Q. Did you tell me that?

A. Yes.

Q. And now you've got a letter that says your friend Deanna Cosby, who you encouraged to help her, advised her to leave town.

A. Is that what the letter says?

MR. McNAIR: Is that a question? That is what the letter says.

A. That's what the letter says.

Q. But you don't know whether Deanna Cosby advised her to leave town, do you?

A. I don't.

Q. And you don't know whether V[redacted] W[redacted] will testify that Deanna Cosby advised her to leave town, do you?

A. I don't know what --

Q. You had told --

MR. McNAIR: Would you please let her answer the question.

Q. You don't know what they --

A. I don't know what they talked about. That was never my intention for her to contact Vickie and forewarn her. You got to understand, I'm on the case working with this mother at this

juncture on this date and this time. I am not going to cause a flight risk.
Q. Well, but what you did by giving -- but you told me earlier in the context of the e-mails that you thought it was, would have been common knowledge and that your conversation with her the day before that we just referred to in the letter said that she told you that her lawyer had talked about it, and this letter, I'm just going to read it to you, and I know you can't testify as to what she knows or didn't know, but this is in the context of what you told me about your conversation with her, and that's solely for that purpose.
A. Okay.
Q. So I wouldn't -- but it says, "Deanna called me to warn me that they're gonna detain M[redacted]." The letter before, the day before said, "Abby said that P[redacted]and Sue had a meeting about me and that she is mad because they're working against me instead of for me."
Your friend and former colleague used information that you gave her to call V[redacted] W[redacted], at least according to this letter, and I will, you know, concede that it's going to be

between Ms. Cosby and Ms. W[redacted]as to what they said, and advised her to leave town and told her about the detention orders that you had told her about on the 4th at 2:29:53 p.m.
MR. McNAIR: Do you have a question? Feel free to ask it.
MR. JOYAL: I will.
BY MR. JOYAL:
Q. Does that trouble you as you sit here today?
MR. McNAIR: Objection. Irrelevant.
MR. JOYAL: No, it's not.
BY MR. JOYAL:
Q. Does that trouble you as you sit here today as to what your conversations and your e-mails to Deanna Cosby may have caused?
MR. McNAIR: Objection. Relevance, foundation.
MR. JOYAL: Fine. She can answer.
MR. McNAIR: Argumentative. Let me put my objections on the record. You're busting me all day for not following the rules. I'm trying to state my objections within the rules.
MR. JOYAL: Okay.
MR. McNAIR: You don't like my

objections, too bad.
MR. JOYAL: Just object. I'll give you a continuing objection.
MR. McNAIR: Don't cut me off.
MR. JOYAL: I'll give you a continuing objection for all those grounds, to try to speed this up.
BY MR. JOYAL:
Q. Does it bother you that your friend was telling a mother to leave?
A. I don't believe that Deanna did that.
Q. So you believe that --
MR. McNAIR: Objection. You will please not interrupt her or we are going to cut this short and we'll take the transcript down to the judge.
MR. JOYAL: Let me do it this way. I'll withdraw the question.
BY MR. JOYAL:
Q. You don't believe that what V[redacted] W[redacted] told the father of her child was true.
A. No, I don't.
Q. Why not?
A. Because Deanna is a professional. I believe that Deanna most likely -- I don't even

know if Deanna called. I thought Deanna called Amy.
Q. Well, let's go a little bit further down, okay. "P[redacted]will use that as abandonment, so I wouldn't even know where to go, or how to time it. I want to talk with Amy bad to ask her if she is confident enough to get her returned to me, or if I should leave town and what my consequences would be.
"I'm not supposed to know that, Deanna told me so." I'm not supposed to know that, Deanna told me so." I'm not supposed to know about the detention order, is that what you would think in the context of the letter?
A. In the context of this letter?
Q. Yes. Did you think when she said, "I'm not supposed to know this, Deanna told me so," that that would be about the detention orders all over town?
A. Yeah, I'm not really -- I don't know.
Q. I'm asking you for your opinion as a professional who has done hundreds of cases and knows this woman. Do you know, do you think that is what she was saying, that Deanna told her she wasn't supposed to know what Deanna had just told

her? Don't look at your lawyer.
A. I don't know what to say. I don't understand your --
Q. You don't understand my question?
A. No.
Q. What part don't you understand?
A. First of all, that [redacted] has an issue -- I had concerns with this mother and how do we know that this is true, you know what I'm saying? [redacted] and Deanna, if they did have a conversation, how would I know?
Q. Well, all I'm asking you is, I'm just trying to put things into context here, ma'am. I have one letter the night before that you say that you don't have a full recollection of the conversation, but you do say that you probably talked to her about [redacted] and Sue, and what they were going to do, although you said you didn't tell her about the detention order. Then, the next day, we have the e-mails that we've just talked about in Exhibit No. 3, okay. And then we have June 4, and then we have a letter of June 5th from the woman who you said please help, for whatever reasons that you told us about, having a conversation with this professional

woman, you said, and she says she told her to leave town, and then she says, I'm not supposed to know about this. I'm just trying to put the context of when you tell Deanna that there's detention orders going to all the hospitals, and Deanna turns around and tells, apparently, unless she is lying and decides she wants to make stuff up to talk to [redacted] about, says I'm not supposed to know this. Tell me, put that into, if you can, put that into some sort of context for me.
MR. McNAIR: Objection. Calls for a narrative. I'm going to direct her not to answer the question in that form.
MR. JOYAL: It calls for a narrative. Okay.
BY MR. JOYAL:
Q. Tell me how, if you can, put into context for me how this letter doesn't relate to your e-mail to Deanna Cosby about detention orders at all the local hospitals?
A. How it doesn't?
Q. How it doesn't. How it does not relate to your telling Deanna Cosby about the detention orders at all the local hospitals.
A. It doesn't -- I don't know how to answer

that.
Q. Let me try it this way: There's a relationship, is there not, between your telling Deanna Cosby about the detention orders at all the local hospitals and her telling -- and then [redacted] writing to [redacted] on the 5th of June that Deanna told her about the detention orders. There's a relationship there, is there not?
MR. McNAIR: Objection. Argumentative.
Q. Yes or no.
A. I don't know.
Q. You don't know?
A. I don't know.
Q. Have you ever spoken, during the course of all the time since your separation from OCY, have you ever talked to Deanna Cosby and asked her whether or not she ever talked and divulged any of the information you had spoken with her about in the e-mails?
A. If she -- I'm sorry?
Q. Did she ever divulge to [redacted] or anyone else, any of the stuff that you and she e-mailed each other about?

A. I don't think we have, no.
Q. You don't think --
A. We have talked about this, and me being fired, yes.
Q. But did you ask her if she ever divulged any of the information?
A. I don't think I've ever asked her that.
Q. Why not?
A. Because I didn't have reason to think that I should.
Q. Well, now, you say you've never seen these letters before?
A. No, I haven't.
Q. Even during the time that you were getting ready to go to the civil service hearing, you had never seen these letters?
A. No. They might have been in the file, for whatever reason, I didn't read them.
Q. You didn't read them?
A. No. I didn't see them.
Q. Let's go --
MR. McNAIR: Further object on relevance. This did not form the basis for her termination.
MR. JOYAL: How do you know that,

how do you know that? That is based upon what your complaint says? That's based upon what your complaint says. I don't think you can talk about what their determination was about, how they investigated -- it's something different than what they said at the interview where she was terminated. I'm sure the jury and the judge --

MR. McNAIR: I don't believe these were in the possession of the county when she was terminated.

MR. JOYAL: You don't think so.

MR. McNAIR: I don't think so. I'm dying to find out.

MR. JOYAL: You will find out.

BY MR. JOYAL:

Q. Did you know, by the way, that C[redacted] B[redacted] told OCY that there was someone leaking information to V[redacted] W[redacted] about her stuff? Do you know that?

A. Hum-mm.

Q. Did you know that C[redacted] B[redacted] called up and said that she expressed some concerns to you about V[redacted]'s parenting skills and that the next time there was a visit, all those concerns that she had on behaviors had changed?

A. I never worked on that part of the case.

Q. Did you know that she said that?

A. No.

Q. Do you remember Ms. B[redacted] coming to you, R[redacted]'s mother, coming to you and expressing concerns to you about V[redacted]'s parenting skills and her behavior?

A. I only met her one time, and that was at a court hearing.

Q. Did she ever tell you any of that stuff?

A. No.

Q. You don't remember that?

A. No.

Q. So if she were to testify that she did, she would be mistaken?

A. Yes.

Q. If she were to testify that she was concerned that there was someone leaking information about the file to people, to V[redacted], she would be mistaken?

A. Yes.

(Conley Deposition Exhibit 4 was marked for identification.)

BY MR. JOYAL:

Q. I'm going to go back through these and

try to get through here, rather than go through them page by page. Take a look at Exhibit No. 4. These are e-mails from an attorney by the name of Mike Fisher to you.

A. (Witness reviews document.)

Q. Have you seen those before?

A. Yes.

Q. This is a lawyer that Deanna Cosby had contacted on your behalf, right?

A. No.

Q. No? Is it a lawyer you contacted on your own behalf?

A. No.

Q. How did he happen to have your e-mail address and be talking to you about slander and e-mails and what your supervisor may have said?

A. As I told you before, Michelle Shetter, I caught her several times looking in my e-mail, and it really frustrated me that she was going through my e-mail and then saying things to people that I'm conveying confidential information, and so I put this, I e-mailed this to myself.

Q. You e-mailed Mike Fisher to yourself.

A. Yes.

Q. So Mike Fisher is a figment of your imagination?

A. Yes.

MR. LANE: What is the date on that?

MR. JOYAL: These start, the top page, Mark, is June 11.

BY MR. JOYAL:

Q. So when we depose Ms. Cosby, and we have the e-mail from her to you on the last page, Friday, June 11, 2004, 10:15 where it says, to Conley, Abby, "I have spoken to an attorney re: your inquiry re: the email system at ECOCY." Your testimony is that there's a guy named Mike Fisher who doesn't exist and you made him up and made an e-mail up?

A. Yes.

Q. For him?

A. Yes.

Q. How did you happen to be able to get an e-mail at Mike Fisher at Pennsylvania.USA.com?

A. You can register any name you want. He was the only attorney that I could think of to put in the subject line. This was something that --

Q. What were you going to do with this?

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A. I was going to leave it on my desktop because Michelle kept going into my e-mail system, and I thought, well, if she is going to walk around telling people I'm divulging confidential information and all this other stuff, I'm going to give her something to talk about. So I registered and put it -- I ended up not playing a practical joke on her, because it was deceptive. I ended up deleting it, but what she was doing, because I just -- I left my desk top open, my e-mails open. That's when she was doing it. And so what I did is, I, if you go into the system, you'll see that the following day, when I went in to work, I deleted them. I didn't leave them on the desk top. But what I was doing was hoping that Michelle Shetter would do what she was doing and go through my e-mail and say, oh, my gosh, Abby Conley talked to an attorney. I was trying to pay her back for being a busybody.

Q. You were trying to pay her back.

A. (Witness nodding head.)

MR. McNAIR: For being a busybody, I think she said.

MR. JOYAL: I heard her say that.

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MR. McNAIR: Okay.

A. I ended up not playing the practical joke on her. I ended up deleting it.

Q. Let's go backwards. Let's go to the one, two, third page from the back.

MR. McNAIR: We haven't been given this in any order.

Q. We'll do the one to Abby Conley from Deanna Cosby at 9:59 a.m.

A. I have that.

Q. You have that?

A. I'm sure he has it in his hand.

MR. McNAIR: I have the ones from Attorney Mike Fisher.

BY MR. JOYAL:

Q. Let me show you this one, ma'am. It's at 9:59 in the morning and it's from you to her.

A. (Witness nodding head.)

Q. Can you identify that, is that something you can identify?

A. Hold on a second. This is from Deanna to I, June 11.

Q. Let me see it. No, it's from you to her. See the from line? From?

A. Okay.

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Q. To, July 11th. Read it for me.

A. "I have had some problems." She "called me into her office and said it came to her attention that someone from her unit had sent out client information over the email system to a secondary email outside this office."

Q. Who is she?

A. Sue.

Q. Sue Deveney?

A. Yes.

Q. And that was after --

A. Michelle Shetter.

Q. No, but that was after the e-mails that we had been talking about in Exhibit 3 where you had sent information out to a secondary source on the e-mail system?

A. I did not view this as sending out information.

Q. That wasn't my question as to what you viewed, ma'am. What she told you was someone from her unit had sent information about a client over the e-mail system to a secondary e-mail source out of the office. That's what she said.

A. (Witness nodding head.)

Q. And she told you that. Right?

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June 11th. How many days was that before July 24th, when you went to the C[redacted] hearing?

A. How many days?

Q. Yes. Is that over a month before?

A. Yeah.

Q. And during that period of time, by the way, you also made up a thing for a Mike Fisher at Mike Fisher at aSurfer.com? "Get back to me on last name." See that one?

MR. McNAIR: No, we don't.

MR. JOYAL: She has it.

BY MR. JOYAL:

Q. So you made up another --

A. I wasn't sure if that one was going through. The Pennsylvania USA is -- I wasn't sure if this e-mail system was working.

Q. So you, just to make sure that -- just to make sure that you had your practical joke, as you called it, or your prank, all set up, you decided to even give him another e-mail address?

MR. McNAIR: Objection, argumentative.

Q. Did you give him another e-mail address, aSurfer.com?

MR. McNAIR: Asked and answered.

Q. Yes, right?
A. I don't remember.
MR. McNAIR: You asked her if she authored that e-mail.
Q. Did you author that e-mail?
A. Yes.
MR. LANE: Let's identify this.
A. Both of them. I remember going to two different e-mails, and one I couldn't remember, if something was wrong with the e-mail system, like I couldn't -- I wasn't sure if it went through.
MR. LANE: So the record is clear --
MR. JOYAL: These are all attached together in Exhibit 3.
MR. McNAIR: They haven't been provided to us in that form, though, so I'm not sure I have a complete copy.
MR. LANE: For the record, though, when Mr. McNair referred to this e-mail a few moments ago, it was referred to Friday, June 1st 2004 through e-mail 134, ATT Mike Fisher@aSurfer.com. Is that it?
MR. JOYAL: That's the one I'm referring to.

BY MR. JOYAL:
Q. And then there was another one at 9:02 p.m. which was titled "your supervisor is not very bright"?
A. Well, I figure if she's going to sit and say something, she might as well have something to chew on.
Q. "Do not take your supervisors advice, she does not sound very bright! Okay, I'll call tonight! What is your home e-mail? Mike."
A. We ended up not playing it, if it's any consolation.
Q. Ma'am, it doesn't affect me one way or the other, to be honest with you.
A. It just -- never mind.
Q. Let's go on a little bit. Let's go to Exhibit No. 5.
(Conley Deposition Exhibit 5 was marked for identification.)
MR. McNAIR: Do you want to give me a hint?
BY MR. JOYAL:
Q. Yes. Exhibit No. 5 has three things in here, three pages. One of them is an e-mail from Mike -- it says Pam Biroscak on the top.

A. Yes.
Q. And it says, it's from you to her on August 9 --
A. Him.
Q. To Mrs. Biroscak.
A. I'm sorry.
Q. Right, August 9. I have been -- this one. She has it in her hand.
"I have been told by three different people that it has been determined that I invited the media to both of the Hearings I was subpoenaed to.
"Usually I dismiss gossip, but since this has the potential of hurting me, I am willing to approach it directly.
"I am more than willing to call Ed Palattella and have him write a letter, explaining who invited him, or maybe someone should call Ed and ask him out right if I did.
"Let me know how I can help the truth to be told." And then on the first page, this other stuff apparently is like some sort of chain letter or something in the middle?
A. Yes, Maureen Foor sent.
Q. Then there's a reply from her to you, on

the 10th, "I read your note about gossip, please do not call or contact anyone at this time."
A. Yes.
Q. So, at some point in time, Ed Palattella showed up at two hearings that you were going to testify at, right?
A. Yes.
Q. One was --
MR. McNAIR: What number is this exhibit?
MR. JOYAL: No. 5.
A. He was at both.
Q. He was at both, and people were sort of perplexed in the agency as to why a reporter would be at hearings that he had never attended before, is that right?
A. (Witness nodding head.)
Q. And you didn't invite him?
A. No.
Q. Who invited him, did you ever find out?
A. I don't know. I think that with Vickie's case, we had discussed --
Q. We being...?
A. The worker from Project First Step. What had happened is the Times News was awarded the

right to attend hearings in regards to the children, and [redacted] was encouraged to talk to him in regard to her case, so I'm thinking she invited --
Q. Who encouraged [redacted] to talk to a reporter about her case? You and whom?
A. I think we discussed it, that she had the right to have him there.
Q. Who is we?
A. I don't necessarily think that anybody encouraged her, but told her that she had a right to do that, that he was allowed to be present, as far as [redacted]'s [redacted] case, I don't know who talked to Ed about that. But in [redacted]s case, she was told that the Times News was -- it was public knowledge that we were allowed to -- that the Times News was allowed to be at those hearings.
Q. I need you to identify someone for me. Who is Project First Step?
A. Project First Step is an organization that works alongside with the Office of Children and Youth staff.
Q. To do what?
A. To help a parent through the process of

cases.
Q. Now, you say we. Was it you and a person from Project First Step that had the conversation?
A. Her and I, yeah, I had spoken to her about the hearing, that staff -- the Times News was allowed to be at the hearings.
Q. Let me ask you a question, then. Under what authority as an OCY employee did you have a right to talk to anybody about inviting reporters to hearings regarding families of children, what right did you have?
MR. McNAIR: The First Amendment. Read the complaint.
Q. Let's go. Did you go to your supervisor and say, was that a policy?
A. There was no policy. It was brand new.
Q. It was brand new. And you know that on both of those occasions when Ed Palattella was there, OCY lawyers asked that he be excluded, isn't that right?
A. In [redacted]'s case, I don't know about the [redacted] system.
MR. McNAIR: Would you let her finish her answer?

Q. In [redacted]'s case, in [redacted]'s case, you never testified, did you?
A. No.
Q. And that was supposed to be after this memo, right?
A. After, I'm sorry.
Q. He was there, and you didn't testify. The hearing for [redacted] was --
A. Right, I didn't testify.
Q. -- was August 9th?
A. Right.
Q. And you did not testify.
A. (Witness shaking head.)
Q. And Palattella was there. Right?
A. Yes.
Q. And the [redacted] case, Palattella was there, so which date, and you were not involved in Project First Step, having a conversation with you about someone inviting Palattella to go to that hearing, is that right?
A. No.
Q. And of all the hearings that you went to prior to July 24th, 2004, and after that, how many times did Ed Palattella show up?
A. I don't know.

Q. You don't know. Did he ever show up --
A. I think he showed up two times.
Q. Which two?
A. [redacted]'s case, and the [redacted] case.
Q. And the [redacted] case where you testified about being afraid to lose your job?
A. Yes.
Q. And the [redacted] case where you were subpoenaed by Amy at your home. Right?
A. I don't remember how I got a subpoena. Yes. I think it was at my home.
Q. They had your home address.
A. Yes.
Q. And the subpoena that you got for the [redacted] case was also sent to your home, was it not?
A. No.
Q. No? How did Jerry Valella (phonetic) have a copy of your draft report?
A. He didn't, I don't think he did.
Q. He didn't? I think he showed it to you, did he not?
A. He showed me what Sue Deveney submitted to the courts. That was not my document.
Q. He also showed you your document, though,

didn't he?
A. No.
Q. He didn't?
A. He asked the Court to -- actually, Judge Kelly said to stop the hearing and he went out and made copies of my original.
Q. Your original?
A. Pam Biroscak had asked me to bring it off my hard drive.
Q. Who did?
A. Pam Biroscak.
Q. Asked you to bring a copy of your original off of your hard drive?
A. Yes, off my hard drive is what I brought to the courts. Jerry Valella had a copy of what was submitted at the April hearing.
Q. Let me ask you a question. The changes that were made in the context of that report to you were things like, where you had said, you gave an opinion about parenting skills, right? You said she showed exceptional parenting skills.
A. Something like that.
Q. And how many times were you asked to get that report to Sue Deveney, do you remember?
A. She, on April 16th, I submitted the

original. She asked me to make corrections and almost a page deleted from the mother's document, and I resubmitted it on April 19, the corrected version.
Q. The corrections she suggested you make?
A. Yes. Resubmitted it, and then I heard shortly after that hearing from the CASA worker that there was no positive language in my court summary, so I knew that the April 19th court summary, the second document, had been changed, because there was positive language in it.
Q. Let me read to you, and if you want to read along, that's fine. Go to page 71 of the transcript.
A. Okay.
Q. Start at line 6.
A. "What is your involvement in the case?"
Q. We'll go through it. You told them what it was, right?
A. Um-hmm.
Q. And then it goes down to line 17 and the question to you was, "You produced a report summary that was attached to the Court summary that was provided in April, is that right?"
You answered, "Yes."

The question was, "Do you have a copy of that with you, or do you want" --
And you said, "I have what I had on my hard drive at work."
And he asked you the next question, "Is that the same as what is attached to the Court summary?"
And your response was, "I'm sorry, I don't understand."
And he said, "Is that the same as the text of what is on your hard drive at work, is that the same as what is in the Court summary?"
And you said, "I'm not really sure. My supervisor had made some changes to my court summary, so I'm not really sure what the final product was that was submitted."
And then he goes on, "Let me have you look at what has been submitted by Mr. Cauley," and Cauley spoke about the April 19th and April 16th reports, right?
A. Um-hmm.
Q. He says, "Look at what was submitted to the Court compared to what you have." Right?
So your recollection is that you did not provide -- he did not have a copy of what you had

on your hard drive, but that the judge stopped the proceedings because Pam Biroscak told you to bring it?
A. I knew that my document had been altered.
Q. How did Valella know your document had been altered?
A. You're going to have to ask him. I don't know.
Q. Did you give it to him?
A. No.
Q. Did you give it to anyone so that he could, they could give it to him?
A. He would have gotten it through the process, OCY submits the Court summaries.
Q. After they have been approved by Marilyn Deveney, is that correct?
A. Sue Deveney?
Q. Sue Deveney.
A. Yes.
Q. So he would have had what was submitted by Sue Deveney, not what you had done, so he wouldn't have known there were changes on it, would he, unless someone had given him a copy of yours?
MR. McNAIR: Objection.

A. He didn't have a copy of mine. That is why the judge stopped the proceedings. We knew at this juncture that the document that I had typed was different than the one that was submitted in April.
Q. How many documents in cases that you you've been to has the document that you originally typed been changed and submitted differently, in the four years that you had been there before, how many times had your supervisor changed a document and had you sign off on it?
A. Through that --
Q. All that period of time.
A. Just deleting words without me -- never.
Q. Never?
A. Never.
Q. Did your supervisor ever tell you that things such as excellent parenting skills were not observations, but they were opinions and that you should just put, I observed her doing X, Y and Z?
A. Opinions are a part of the template. If you look at the Court summary, it --
MR. McNAIR: Answer his question. Had you ever been told that by your supervisor

not to put those opinions in the Court summary?
THE WITNESS: No. Just grammatical changes.
BY MR. JOYAL:
Q. Why did you testify during the course of that time that you said that, you know, on page 80, what we talked about earlier, "Did she ever say anything to you about the nature of your opinions, whether they were accurate or whether she wanted them to be the agency's opinions?" And you answered, "Essentially, I think it was agreed upon."
It was agreed upon between whom, you and Ms. Deveney?
A. Until you understand, at that particular time, Sue and I had a meeting. This was not -- I'm talking about it in the context of a conversation her and I had, not in the context of my court summary.
Q. Well, ma'am, all of the questions that you were asked in the context of this testimony were about the differences between your court summary that you had written on April 16th and 19th, and what was submitted by the agency attached thereto. So the context, apparently,

unless you misunderstood Mr. Valella throughout that, was that that was what you were talking about, correct?
A. I'm trying to understand your question.
Q. Ma'am, why would there be any conversation about policy directives regarding your reports or how you are to assess if what you said here, that the context was, you just were having a conversation with her and it had nothing to do with your reports?
A. I still don't understand how you want me to answer that question.
Q. I want you to answer it truthfully.
A. Well --
MR. McNAIR: Make it make sense.
A. It doesn't make sense to me. I'm sorry.
Q. Let's go backwards. Let's go to page 79. Let's go back to page 78. We'll start at line 7.
A. Okay.
Q. "Thank you very much." This is Mr. Valella. "I might have a few more questions for Ms. Conley. You're still assigned to this case?"
"No, sir."
"When did that happen?"

"Several weeks ago, I think it's been three weeks now."
"Was any particular reason given to you for your removal from this case?"
"Yes, sir."
"What was that?"
"I requested to be taken off the case."
"For what particular reason?"
"Because I really -- I didn't share the opinion of my supervisor and it was apparent that she -- that my opinion, professional involvement, was different than her professional opinion, and I just thought it would be best and I asked to not only be removed off the case but off of the unit as well."
Now, this was the second unit that you had asked to be transferred off of, right?
A. Yes.
Q. Both because you had some issues, difference of opinion between your opinion and the opinion of the social worker supervisor, people that had the practical education and the education about this type of thing, correct?
A. I asked to be removed because I do not agree with not servicing clients.

Q. Answer my question.
MR. McNAIR: She answered your question.
Q. Let me ask it to you again, and I'll ask you until you answer it the way I believe is responsive.
A. Okay.
Q. For two times you had differences of opinion as to how a case was handled between yourself, right, with your background, and a professional social worker with a degree, either a bachelor's or a master's, correct?
A. Yes.
Q. And would it be fair to say that you believe that your opinion about how the case should be handled was better than theirs?
A. I don't believe that.
Q. Okay. Now, we'll go to 79.
"Now, the person who you were talking about as a supervisor is whom?"
And you said, "Sue Deveney, she is my supervisor."
"She is? Would she be the one that would have made the alteration?"
"Yeah. Just so it's understood that Sue

has the right to correct my court summaries, I have -- my new supervisor told me to take this information off my hard drive, but I have an e-mail with a directive."
There was some objections. And both lawyers said you were unresponsive.
Let me ask you this question: When you say my new supervisor told me to take this information off my hard drive, are you intimating or testifying that your new supervisor wanted you just to delete all of that information from your hard drive?
A. No. She wanted me to have a copy of the original e-mail that I sent to Sue Deveney on April 19th.
Q. All right. And then we go to your line 15, "Your supervisor, of course, has the right to supervise what actually goes to the court, is that right?"
A. Yes.
Q. You said, "Yes, sir, and correct my summary, that is the procedure."
And then he went on to ask you questions about accurate alterations, direct observations, right, and you said you had only been there a

couple times during the visits.
A. Yes.
Q. "She has come in and talked to me a couple times, but," and then he said, "Did she give you any other policy directives regarding how your reports ought to be written or how you were to assess?"
And you said, "I'm supposed to submit them in an attachment to e-mail. I have an original directive from Ms. Deveney that I have to send all court summaries to her in a Word attachment so that they can correct it in the event that I'm not there." Not where?
A. Not at the agency.
Q. And then that is when we get to, "Did she say anything to you about the nature of your opinions, whether they were accurate or whether she wanted them to be the agency's opinions?"
And you said, "Essentially, I think it was agreed upon that in my capacity I'm not really qualified, I'm not educated in social service. My education is through something else." That is the Bible Institute, right?
A. Yes, sir.
MR. McNAIR: Do you have a problem

with that?
MR. JOYAL: Do you want to keep interrupting?
MR. McNAIR: I really don't appreciate your derisive tone and waving the back of your hand to my client when you mention her education. You've done it several times.
MR. JOYAL: Very good.
BY MR. JOYAL:
Q. "And it's not really my role to issue opinions or judgments against the families that I work with. My job is simply and humbly to facilitate visits and to make documentations of the observations I have, so really my opinion in any case really has no weight. That is just the nature of my position at Children's Services." Okay?
A. Um-hmm.
Q. You said -- so if Ms. Deveney looked at your summary and said everything in here are opinions as opposed to observations, she has the right to tell you that and to have you change it. Is that right?
A. No. She does not.
Q. Well, you said she did.

MR. McNAIR: That's argumentative.
Q. Didn't you say she did?
A. She has the right professionally, based on -- what I'm talking about here is the observations that I see through the visits. The only person that is qualified to talk about those observations are me. In fact, we are encouraged in the Court summary to write our impressions based on observations. What I'm stating here is I'm not qualified to dictate one way or the other. I'm not having any problem with her having an opinion one way or the other. That's not what I was saying in that particular part of the court. And the other thing I said before is, we had a meeting.
Q. Let's move on.
MR. LANE: Let's take a break.
(Recess.)
(Conley Deposition Exhibit 6 was marked for identification.)
BY MR. JOYAL:
Q. Ma'am, you can show that to Mr. McNair, I'm sure he will get a copy when the exhibits are put together. It's Exhibit No. 6. Let me just identify it. This is an e-mail from...

A. Me to Sue.
Q. It starts, Friday July 9, the first entry is on the third page, and it is at 7:33 a.m. to Sue Deveney. Take a look, show it to Mr. McNair, third page. Last page. We're starting from the rear, because I think they usually start -- that is at your home address, abby@ilovejesus.net, that is your home e-mail address?
A. Christian -- this is from my Christian net.
Q. Christian.net. Do you have multiple e-mail addresses?
A. On the Internet, you can sign up for different -- they have different domains for free.
Q. These are all web sites, though, right?
A. No. They're -- I guess you can call them web sites. They're e-mails, free e-mails that you can sign up for.
Q. So if I went to -- what is this one?
A. Christian.net, you can register.
Q. That is not a web site there, or did you set the web site up? Do you know what I mean?
A. I guess there's a web site, but it's an e-mail service, web site.

Q. But it's obviously a Christian web site.
A. Yeah. There's millions of them that you can sign up for.
Q. So we went through, we're starting on this one which is --
A. We're still looking for it.
Q. 7:33.
MR. McNAIR: I don't think I was given a copy of that.
MR. JOYAL: You should have been.
MR. McNAIR: I agree it should have been there.
BY MR. JOYAL:
Q. If you look at this, the first one has Pam Biroscak's name on the top.
MR. McNAIR: Biroscak.
THE WITNESS: It really isn't in there.
MR. McNAIR: That's not it.
MR. JOYAL: July 19th? I'll let you look at these. Take a quick look.
BY MR. JOYAL:
Q. All I'm going to ask you, ma'am, is, if we move quickly through, those are e-mails that you had back and forth between yourself and Sue

Deveney, is that correct?
A. Yes.
Q. In July, July 9th?
A. Yes.
Q. This was before you testified and you were asked to come and testify in the C[redacted] case, correct?
A. Yes.
Q. At that point in time, you and she were discussing her concerns about the release of confidential information from files, is that correct?
A. Hold on a second. That was not about confidential -- what I'm referring to in this is a meeting that she and I had. She had accused me of saying something about P[redacted] W[redacted].
Q. We'll get into that. But those are e-mails that, as of July 9th, there had been conversations between you and Sue Deveney about possible matters or accusations of some sort of child abuse against P[redacted] W[redacted] having been discussed outside the agency, is that correct?
A. She never came out and said that. I assumed that is what she was -- that she said, because I think the way that she presented it to

me is that V[redacted] W[redacted]'s paramour knew about P[redacted] W[redacted], and when she said that, anybody working at the agency knew that P[redacted] had a child that committed suicide, and I assumed that that is what she meant. She didn't come right out and say that, but that is what I derived.

Q. And you believed she was accusing you of doing that?

A. She implied that I somehow had something to do with R[redacted] knowing this information about P[redacted] I never even met R[redacted] It was silly.

Q. It was silly and you said that there were other people, everybody in the agency knew about the suicide, right?

A. Well, I shouldn't say everybody. But the people that have been there after the -- I think it happened right after I started.

Q. Did you know, did she tell you that R[redacted] B[redacted] had sent her a letter?

A. No.

Q. She didn't.

A. Hum-mm.

Q. Take a look at Exhibit No. 19. Have you ever seen that before?

A. No.

Q. May I have it back. I want to read you some stuff out of that. Mr. McNair has a copy of it right there.

MR. McNAIR: He may.

Q. 9 July. He says, "I am writing this letter to you with some questions that I have regarding my daughter, M[redacted], and her being detained." This goes on about, the first paragraph is about visits, the second paragraph talks about M[redacted] not being able to visit.

A. Yeah.

Q. Third paragraph talks about upset with how his daughter's detention was handled, right?

A. Yes, sir.

Q. Then we go to the second page and the second full paragraph talks about him getting a lawyer, right?

A. Yes.

Q. The next paragraph says, "I was also informed that P[redacted] was investigated for grabbing, shaking, and yelling at D[redacted]. Though your agency stated that these allegations could not be proven, given her personal history and other incidents I have been made aware of, I trust you and your agency will do all that you

can to ensure that P[redacted] is not a threat to M[redacted] in any way. I would like another person to be present with P[redacted] at any time that she is alone with my daughter. I will pursue all legal avenues against her, you, and OCY if M[redacted] is harmed in any way while in P[redacted]'s care, or if I suspect she has been harmed in any way. Given what happened to her child, I am very confused as to how she is allowed to hold the position that she has now.

"Ms. Deveney, I was also informed that M[redacted] was seen by a visiting nurse. I have informed P[redacted] by letter and voice mail that I want to be notified each and every time M[redacted] is seen by a doctor or receives any medical attention." That is dated July 9.

A. Okay.

Q. Mr. B[redacted] somehow had information concerning a child not his own, is that right?

A. According to that letter.

Q. According to that letter. And that was one of V[redacted]'s kids, right?

A. D[redacted], yes.

Q. That is the same information that you spoke with Sarah Savchikis and Mike Kasmer about

on --

A. Char Calobsky (phonetic)?

Q. No, Savchikis, S-A-V-C-H-I-K-I-S?

A. Could I see that? I don't know who that is.

Q. You can't see it.

MR. McNAIR: Then she's not going to answer a question.

Q. I am going to ask her a question. Do you recall having a conversation with an investigator from the Department of Public Welfare by the name of Sarah Savchikis?

A. I did have a conversation with the Department of Public Welfare.

Q. Did you remember telling her that you saw, that you needed to save children who cannot speak for themselves? Did you tell her that?

A. I can't recall my exact words.

Q. Something to that effect?

MR. McNAIR: Asked and answered.

Q. I'm asking if something to that effect, if it's not that exactly...

A. I really don't remember.

Q. Did you know why you were there before you were told by Ms. Savchikis as to what she

- - - -

wanted to talk to you about?
A. Yes.
Q. How did you know that?
A. Because they told me she was coming.
Q. But did they tell you she was coming for a specific purpose?
A. Yes.
Q. What purpose was that?
A. To talk to me about how P[redacted] grabbed D[redacted]'s face.
Q. Now, would that not have been part of an allegation of child abuse?
A. Would it not have been?
Q. Yes. Was there not a child abuse allegation made against Ms. W[redacted]?
A. Yes.
Q. Who made it? Was it you?
A. I definitely reported what I saw. I did not view it as child abuse. I thought it was inappropriate.
Q. Who then would have classified it as child abuse and reported it --
A. I don't know.
Q. You know there was a referral made on the 23rd of June for child abuse, alleging child

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abuse by P[redacted] W[redacted] on this child, isn't that true? You knew that.
A. I did not know that.
Q. You didn't know there was an allegation of child abuse?
A. I knew that what she did was wrong. I didn't view it -- I didn't speculate as to whether or not it was child abuse.
Q. What did you --
A. It was inappropriate.
Q. Who else saw that besides you?
A. Just her and I.
Q. Did you ever tell her that someone from CASA had seen it?
A. I thought perhaps CASA had seen it because CASA had called me shortly after that and said that she had some concerns about P[redacted] W[redacted], and I thought when she said that, that possibly she had seen it, because she ended up --
Q. Who is that individual?
A. I forget her name. She hardly showed up, though.
Q. She hardly showed up as well?
A. Only -- she was a CASA worker. She didn't have to be at all the visits.

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Q. How many visits do you think she should have been at?
A. I don't know. Because V[redacted]'s case had a lot of variation. There were supervised, unsupervised. There was --
Q. Did you say to this investigator that both you and D[redacted] gasped for air at the same time, that you had a connection feeling, that the child was saying save me, why aren't you helping me?
A. Her eyes welled up and she looked at me and went (indicating).
Q. And did you at the same time --
A. I gasped, not like that, but I definitely, it took me back when she grabbed the child by the face.
Q. And did you describe P[redacted] as a sick person that maligns families, is demonic, inhuman and shows no dignity when working with these families and gave her a written document to that effect?
A. I definitely wrote something to P[redacted] as far as being inappropriate with a client at another Christmas party -- actually, I tried to talk to her and she told me not to talk to her.

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Q. That wasn't my question. Did you say to her, did you describe her as a sick person that maligns families, is demonic, inhuman and shows no dignity when working with these families?
A. I don't recall making that comment, but that is --
Q. It's possible?
A. It's possible.
Q. Demonic, inhuman?
A. I don't know about those terms.
Q. Well, why do you think that someone would put that into a document if you didn't say it?
MR. McNAIR: Objection. Calls for speculation.
A. I don't know. I don't know.
Q. You don't know. But it's possible that you used those terms describing her. Right?
MR. McNAIR: Argumentative.
Q. Yes or no.
MR. McNAIR: Anything is possible.
Q. You're right. Is it possible that you used those terms?
A. Yes.
Q. Because this is the same woman that you said to your friend, Ms. Cosby, has severe mental

health issues, right?
A. (Witness nodding head.)
Q. You didn't talk to anyone above you in terms of OCY about this incident until sometime after it happened, did you?
A. I talked to – yes, the following week. My supervisor was unavailable.
Q. Do you remember talking, when you were asked about why it took you so long to do this, you said you weren't sure that it was abuse or just inappropriate, and she felt, and you felt that the child was safe because [redacted] wasn't going to see the child until the 23rd?
A. I thought that I could at least wait until the following day when the --
Q. But you didn't wait until the following day, you waited almost two weeks.
A. I went to a supervisor and reported it, actually.
Q. Who was it?
A. Christy Hulton. I ended up not waiting.
Q. And what did Christy Hulton do?
A. She asked me to speak with Pam Biroscak.
(Conley Deposition Exhibit 7 was marked for identification.)

BY MR. JOYAL:
Q. Exhibit No. 7, which I'll identify as being from abby@christian.net, July 12, 8:19 a.m., Pam Biroscak. Did you write that e-mail?
A. Let me look.
Q. I'm just asking you, did you write the e-mail? I'm not going to ask you about that. Did you write it?
A. (Witness reviews document.)
Q. Did you write it?
A. I'm looking at it.
MR. McNAIR: Give her a chance to read it. It's a two-page document. Give her a chance to read it, and she'll let you know when she's done.
MR. JOYAL: All right.
A. Yes.
(Conley Deposition Exhibit 8 was marked for identification.)
BY MR. JOYAL:
Q. Can I have that back. Let's go to Exhibit No. 8, which are three pages of -- it's one, two, three pages of e-mails that are dated from May 24 through May 25. Take a look at that,

tell me if those are e-mails that you either sent or received.
A. (Witness reviews document.)
Q. Are those e-mails that you sent and received from Deanna Cosby?
A. Yes. I vaguely -- I can't really recall this. I'm reading it. I don't remember this.
Q. Let me ask you this: Are they all, there's one that starts on the last page, 5/24/2004, 8:51 a.m. at your e-mail address at county. The last page. Third page, see where it says, ConleyAbby, Abby, 5/24?
A. Yes.
Q. That is your e-mail address, right?
A. Yes.
Q. You sent her a letter to the editor about a dead foster child?
MR. McNAIR: Asked and answered.
Q. Did you send her a letter in an e-mail?
MR. McNAIR: She testified she doesn't recall.
Q. Would anyone else have access to your e-mail address at county, with your password, in May?
A. I don't know.

Q. You don't know. These e-mails were before the ones in June, right? Where you were talking about [redacted]. These were in May.
A. I'm trying to read this. This was, I see, a copy of the letter to the editor that was in the newspaper.
Q. And this was about a little girl that had died while in OCY care, is that right?
A. This letter concerning a young lady who lived with us for 15 months.
MR. JOYAL: Please be quiet.
MR. McNAIR: You sit here and you misstate the facts that are well known to everybody and are simply public knowledge, and if you're talking about [redacted], so would you please make an effort to be accurate, unless it is your tactic to deliberately give inaccurate information to the witness and make her correct every factual statement that you make, is that your tactic?
BY MR. JOYAL:
Q. Let me ask you a question, ma'am. Is this letter about [redacted]?
A. I think it is.
Q. Did she die while she was in foster care?

A. No.
Q. What happened to her?
A. She -- according to the paper, she died from abuse, being abused by her adoptive parent.
Q. Adoptive parent who had been placed by OCY?
A. Yes.
Q. So the adoption had been facilitated. So I misspoke. She wasn't in foster care, but died while in the custody of someone OCY approved for placement as an adoptive patient?
A. Yes.
Q. You sent this to Deanna Cosby?
A. It was cut and copy.
Q. And you said, OCY is in the paper again, they are really hammering OCY. You sent the letter.
A. Yes.
Q. Correct? And then there was conversations about Deanna wanting to send anonymous letters to the paper and you told her that they won't print them if they're anonymous, correct, that's on page 4?
A. That is on the editorial page.
Q. I understand. She said she was going to

send something and you told her not to do it anonymously because they won't print it, right? Let's go over to page 2. Let's go on the top of page 3.
A. Okay.
Q. Right here, page 3. Top of the page?
A. Okay.
Q. Has that been marked? Okay. This is 5/25/2004.
A. Yes, sir.
Q. "Another one of our kids died." This is from you -- from Deanna. On page 2, go to page 2.
A. I only have page 3, 4, and 5.
(Conley Deposition Exhibit 9 was marked for identification.)
BY MR. JOYAL:
Q. I'm sorry. Here we go. This is Exhibit No. 9, okay?
A. Okay.
Q. These are continuations of the e-mails.
MR. McNAIR: What exhibit?
MR. JOYAL: Exhibit 9. You will, I'm sure when they're attached to the transcript.
MR. McNAIR: I would like to have

them now because I would like to know.
MR. JOYAL: You're not going to get them now. We don't have time.
MR. McNAIR: I believe I have the right to look at every exhibit that you show the witness before you question her on it. Am I wrong on the Federal rules again?
MR. JOYAL: I put it to you and you just decided to tell me that you didn't have a copy. If you had just taken it to read it, then you would have gotten it, Mr. McNair.
MR. McNAIR: So this is now No. 9.
MR. JOYAL: It's marked as No. 9.
MR. McNAIR: It used to be 8.
MR. JOYAL: There were two specific exhibits. One is 8 and one is 9. Nine has parts of 8 and has its own.
MR. McNAIR: Just for the record, when I came in here this morning, you threw a stack of documents at me that is about two inches thick which had not been labeled and I'm required to look through this stack of documents for what you say is, you told me that that contains copies of all these exhibits.
MR. JOYAL: And I told you if they

weren't there, that I apologize. But you have every right to look at it now.
MR. McNAIR: Now you're telling me I can't get copies of that.
MR. JOYAL: I'm telling you that --
MR. McNAIR: I'm going to have to wait until I buy a transcript. I may not want to buy a transcript.
MR. JOYAL: Maybe you won't, then you may have to figure out how you can get copies of the exhibits.
MR. McNAIR: I think I know how to get copies of the exhibits.
MR. JOYAL: I'm sure you do. Maybe just send a discovery request. You'll get everything you want.
MR. McNAIR: For the record, the stack of documents that you provided me does not contain Exhibit No. 8.
MR. JOYAL: Okay.
BY MR. JOYAL:
Q. Take a look at Exhibit No. 9, if you would. Let Mr. McNair look at it, too, since he is so anxious to see it.
MR. McNAIR: I have a copy of No. 9.

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Q. No. 9 contains all of No. 8 as well.
A. Okay.
Q. So you got No. 9 here. Why don't you share with Mr. McNair, because that is my only copy. Go to page 2. And this is from Deanna to you, May 25, 1:47. "Who what when and where." That, I presume, is in response to the one on page 3, that says "another one of our kids died."
A. Yes.
Q. And this was about a kid that drowned at Beacon Lake?
A. Yes. It was in the newspaper.
Q. It wasn't in the newspaper down in North Carolina, though, was it?
A. No.
Q. And this is -- you know, you talked about he was apparently in some sort of placement, right, through OCY, is that true?
A. Yes. I don't know all the particulars of it. I just know that there was something in the paper about it.
Q. Who is M[redacted] H[redacted]?
A. M[redacted] H[redacted] is a caseworker on the same unit that Deanna and I were on.
Q. From OCY?

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A. Yes.
Q. And you said, you told her that it was one of M[redacted] H[redacted]' kids, another one of your coworkers, right? And someone, apparently, that Deanna didn't like very well, because she replied back to you, he probably hasn't seen that kid in a year?
MR. McNAIR: Argumentative. That doesn't imply any like or dislike. It's a statement.
MR. JOYAL: Statement of fact.
BY MR. JOYAL:
Q. What did you take from that statement of fact, had you and she talked about M[redacted] H[redacted] in the past?
A. She knew M[redacted] in a professional sense. He has a reputation of engaging in service neglect, not serving his clients.
Q. In other words, that's again your term, service neglect, his reputation.
A. We worked on cases together.
Q. Let me ask you a question: Of all these people that you say engaged in service neglect, any of them been sued by anyone?
A. I don't know.

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Q. You don't know. Have they ever been reprimanded, firings, told that they couldn't do their jobs anymore?
A. I don't know.
Q. What kind of turnover is there at OCY?
A. Huge.
Q. Huge. And why is that, ma'am?
A. I don't know.
Q. Have you ever talked to anybody that left and maybe they told you that they were burned out trying to do their job?
A. I would certainly think that would be part of it.
Q. Huge turnover. That was probably one of the reasons why it would be that there is a pretty large turnover in these group homes that you talked about, because people were burned out?
A. I don't know.
Q. Well, did you ever talk to any of your staff people that left?
A. No. Not about why they left, no.
Q. Anybody ever complained to you about how overworked they were and how burned out they were trying to take care of this population?
A. We all worked really hard. In what

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context, OCY or Human Development?
Q. At Human Development. Did anybody come up to you and say, I'm getting burned out, this is a real hard job and I may need to leave?
A. I don't know. Maybe.
Q. Maybe.
A. I don't know.
Q. Would it not be common knowledge among that type of industry that you worked for so many years that people left because they were burned out?
A. I would imagine that there would be a fair amount of people that think that.
Q. Right. Because it's a hard job.
A. (Witness nodding head.)
Q. And it's not paid very well, is it?
A. I don't know.
Q. So M[redacted] H[redacted], you believe that M[redacted] H[redacted] engaged in service neglect, and then you turned around and responded to her that M[redacted] did not shed a tear or acted like he cared when he found out. Right?
A. That was Deanna's comment.
Q. No, that was your comment, ma'am. Do you see the Deanna Cosby comment, from Deanna,

Conley, Abby, 5/24, 1:59:30, "[redacted] did not shed a tear or acted like he cared when he found out." Were you with him when he found out?
A. I don't know.
Q. Well, then --
A. I vaguely -- I can't remember.
Q. Why would you write that?
A. My back.
MR. McNAIR: If you need to stand up, or if you need to take a break.
THE WITNESS: It's okay.
BY MR. JOYAL:
Q. Why would you write something like that --
A. I don't know. It's been --
Q. A year?
A. Yes.
Q. This would have been something that made a mark on you?
A. [redacted] is just [redacted]. You know, you got to understand, Deanna and I know these people. We worked with them.
Q. I understand.
A. I wasn't getting into the psychology of it, it was a very quick --

Q. Why would you write something like that about the man?
A. Because apparently he didn't shed a tear or acted like he cared when he found out.
Q. How do you know that?
A. I would assume by the observations.
Q. That you saw him?
A. It would only be in that context.
Q. Do you believe that is an appropriate thing to talk about a fellow worker, a fellow human being, in that context, especially when she said, he probably hadn't seen the kid in a year?
MR. McNAIR: Objection, irrelevant, argumentative.
Q. You can answer it. Is it appropriate?
MR. McNAIR: Objection, irrelevant.
Q. Yes or no? You don't know?
A. I don't know.
Q. Is it the Christian thing to do, to talk about somebody like that?
A. I think that I was relating an observation.
Q. That wasn't my question, ma'am. Is it the Christian thing to do?
A. Yes.

Q. It is a Christian thing to do to talk about people like that?
A. I don't think that that is the context that I was sharing that.
Q. Okay.
A. I simply was sharing an observation that he did not cry or acted like he cared. I don't think that I went into a whole lot of philosophy.
Q. Is there some reason why you had to tell Deanna Cosby about this?
A. It was in the paper.
Q. Here. It wasn't in the paper there. Is there a reason why you needed to tell her about it?
A. She is from Erie. She used to work at the Office of Children and Youth. We had a commonality of working at the Office of Children and Youth, and our agency that we had collectively worked for had been in the newspaper. It's very simplistic. It's not...
Q. The reply above that, "I know you are not surprised and Sue was probably to zooted to react." What does that mean, what does zooted mean?
A. I think she's making reference to

overtakes medicine sometimes. She comes in to work and she, her eyes are dilated, she repeats herself, she gets -- she looks loaded.
Q. How do you know?
A. Because I worked with the woman for four years.
Q. So would she tell you she took medicine? Do you know what she takes?
A. I have no idea.
Q. Well, then --
A. You're asking me what Deanna meant?
MR. McNAIR: Let her answer, for crying out loud.
A. She said zooted. I think it's in reference to Sue being --
Q. I've never heard the term zooted.
A. Neither have I.
Q. Then how would you know what it meant if you never heard the term before?
A. It's a guess.
Q. A guess?
A. Yes.
Q. What do you base your guess on?
A. That Deanna had seen Sue do her thing.
Q. Do her thing. What do you mean by that,

ma'am?
A. She, I don't know how to -- she appeared to be inebriated or loaded; her eyes were dilated, she would have a dry mouth, just out of it, say things that didn't make any sense.
Q. Did you ever see that?
A. Excuse me?
Q. Did you ever see that?
A. Yes.
Q. So would you have used that term, zooted?
A. No. I would have said -- I don't know.
Q. Would you have accused her of being an alcoholic?
MR. McNAIR: Again, this is your final warning. Don't interrupt her again or we're out of here. I'm not going to sit here and have you just continually interrupt the witness when she's trying to give answers.
Q. Finish your answer.
MR. McNAIR: The question was, did you ever observe Sue Deveney when she appeared to be inebriated?
A. I had suspicion. I didn't know for sure.
Q. That wasn't the question. Answer the question. Did you ever observe her?

A. Yes.
Q. And you had suspicions about what, that she was what, inebriated?
A. I don't know. I don't know what you would call it.
Q. What would you call it?
A. She was under the influence of something.
Q. She was?
A. Yeah. You could tell.
Q. You could tell?
A. Yeah.
Q. You could tell.
A. Well, anybody could tell.
Q. Anybody. So if we went through all the people in your unit, they would testify that they had seen the same thing? Would they?
A. I don't know.
Q. You don't know. Was anybody with you when you observed it?
A. I'm saying I had seen her --
Q. How many times?
A. I don't know.
Q. More than once?
A. Yes.
Q. How many? Ten, 20, 30?

MR. McNAIR: Objection.
Q. How many?
A. I don't know.
Q. More than ten? More than ten?
A. More than ten.
Q. More than five?
A. Yes.
Q. How many years?
A. Four.
Q. Who did you report it to?
A. Nobody.
Q. Why not?
A. Because I didn't know what her problem was.
Q. Okay. What did you mean on the reply, "she gave me looks to kill, then told me, no ONE is to find out about this kid drowning." Who is that, Sue? Is that who you're referring to?
MR. McNAIR: Again, the witness has already testified that she doesn't have a specific recollection of this exchange.
MR. JOYAL: I'm asking her.
MR. McNAIR: The question has been asked and answered.
A. I'm not really sure.

Q. You're not sure who you're referring to? It couldn't have been Sue, who was referred to down below.
A. It could be.
Q. So she said, if it was Sue, and if you did write this, you don't deny this came out of your e-mail.
A. I remember the newspaper.
Q. But why would Sue say no one is to find out about the kid drowning if it was in the newspaper?
A. I think what I'm saying here is that she doesn't want it to -- I don't know, be like common knowledge that it was, M[redacted] H[redacted]' case maybe, I don't know.
Q. You don't know. Can't remember?
A. I really don't remember.
Q. Let's go to the next one. "I calling the times newspaper," probably, you know, typed wrong. Deanna to you. Okay? And your reply is "why?" Right? See that?
A. Yes.
Q. 2:06, why she replies to you, apparently, and the times are off, "to tell them about the child dying." Right?

A. Yes.
Q. Now, I want to make sure we don't get back into the same discussion we had before. There's one up here that says 2:08:58. "You made me laugh out loud." That was probably -- is that in response to the tell them about the child dying or in response to the she was probably too zooted to know. Do you know which one it was?
MR. McNAIR: With all due respect, again (indicating).
A. There's no pun intended.
Q. I'm asking you if you know.
A. I don't know.
Q. Then go to the page before that. Again, these have -- this says 2:05, maybe that was to this one, "I'm dead serious no pun intended" from her to you, and then it says, "you made me laugh out loud." Is that -- that "you made me laugh out loud was," dead serious, "I double dog dare you. Ed Paletalla is the reporter that has run all the stories." You were double dog daring her to call Ed Palattella about OCY, is that right?
A. Yeah. I think I was kidding.
Q. You were kidding.
A. A double dog dare is a --

Q. I know what it is.
A. It's child like -- I didn't think that she was going to do it, even if she does call Ed Palattella, you know, it's her -- I don't know.
Q. You think it's funny?
A. No. It's just that you...
Q. Go to the next one. In response to your kidding, I double dog dare you, she says, "okay its done." And then you reply, I presume six minutes later, "You can't call long distance at work!" And she replies, "Yes I can we can dial directly out on our desk phones or..." cell phones. And then you reply, "go ahead tell Ed everything!" And you give her a phone number. "870-1600 press zero for the operator." You were joking.
A. I was definitely.
Q. And you gave her the phone number.
A. Yes.
Q. And she said "to late while you're emailing me back and forth the call was put into his VM," which I presume is voice mail. You go back and say, "you are not telling the truth." What does she say to you at the last thing on that page?

A. "Abby stop it you know I don't like ECOCY and I would do ANYTHING to see it go down in flames!!!!!"
Q. This is your friend?
A. Well --
Q. Who you were going back and forth?
A. You don't know her and you're making her sound -- I know what that says and it does look bad. But Deanna is a person who has a wise tongue and she's not going to really set the agency on flames. She loves what she does. You don't know her.
Q. She doesn't work for them anymore. She works for someone else. And this is the same person who is quoted in letters as having talked to Vickie Wilson about leaving town to avoid a detention order.
A. I don't believe it.
Q. Isn't it?
A. It's what?
Q. It's the same woman, is it not, true or false, is it the same woman?
MR. McNAIR: Asked and answered. She is not going to answer it again. Are you done?

MR. JOYAL: No, I'm not done. I'm not done. We're going through No. 10, Mr. McNair.
(Conley Deposition Exhibit 10 was marked for identification.)
BY MR. JOYAL:
Q. Take a look, tell me if you have seen that before.
MR. JOYAL: As a matter of fact, let's do this, all right. Let's go from 10, 11, 12, 13, 16, 17, 20.
(Conley Deposition Exhibits 11 through and including 20 were marked for identification.)
BY MR. JOYAL:
Q. Tell me if you've seen any of those before.
A. (Witness reviews documents.) Yes.
Q. Which one is that?
MR. McNAIR: Eleven.
Q. What is 11? Is that a letter?
MR. McNAIR: Letter addressed to P[redacted] unsigned.
BY MR. JOYAL:
Q. That is your letter, is that right,

unsigned?
A. Yes.
Q. Go to 12.
A. Hold on, please.
Q. I'm not going to ask questions about it. I'm just asking if you saw it.
A. I want to make sure I authored all of this letter, is that okay?
Q. Yes.
A. I wish there was a date on this. (Witness reviews document.) Okay.
Q. Have you seen that one before?
A. Yes.
Q. That is your letter?
A. Yes, sir.
Q. Look at the next one.
A. (Witness reviews document.)
MR. McNAIR: That would be 12.
Q. You don't know if you've ever seen that before?
A. He asked me what the writing was.
Q. Have you ever seen that before?
A. Hold on.
MR. McNAIR: In this form?
A. It's really confusing.

Q. If you haven't, or you can't identify it, let me know and we'll put it on the pile.
A. I can't.
Q. You can't identify No. 12, which is e-mails from Deanna Cosby to Abby Conley and responses back and forth from 7/20 through -- all on the date of 7/20. You can't identify that. What is the next one?
A. Thirteen.
Q. Have you ever seen this before?
A. No.
Q. Let me have that. Fourteen? Have you ever seen that before?
MR. McNAIR: Slow down here a second.
A. This was 16.
Q. What do you have there, 17 and 16?
MR. McNAIR: Let me see 15, please.
THE WITNESS: Fourteen, he meant.
MR. JOYAL: This one? Which one?
MR. LANE: Thirteen, I think.
MR. JOYAL: This is 13.
MR. McNAIR: And again, I wasn't given a copy of that. I would love to get a copy of this today.

MR. JOYAL: You'll get one.
MR. McNAIR: I'll get a copy now.
BY MR. JOYAL:
Q. We'll give you and have you identify Exhibit 20. Have you ever seen that before?
A. Yes.
MR. JOYAL: Hold on to that and show it to Mr. McNair.
(Discussion off the record.)
BY MR. JOYAL:
Q. You already said you hadn't seen these correspondence, right?
A. Right. Not before today.
Q. Not before today. Right. So you don't know what they contain.
A. No.
Q. We can go forward. Identify No. 20 for me, if you would.
A. That's 21.
(Conley Deposition Exhibit 21 was marked for identification.)
BY MR. JOYAL:
Q. Twenty-one, I'm sorry. What is No. 21?
A. This was one of the ladies at OCY, I write for the paper.

Q. What paper?
A. Morning Star News.
Q. And that's a local paper here?
A. Local Christian paper, yes.
Q. In Erie?
A. Yes, sir.
Q. So it's a local Christian paper in Erie?
A. Yes.
Q. And you wrote that where?
A. At home.
Q. At home. How did it end up, did you give it to someone?
A. No, I think I -- this, I think that possibly what I did, because one of the ladies that works who knows I was a reporter, she attends St. Pat's Church and wanted me to do a church history on her church, and I believe that she sent that to me at work from her e-mail to mine, and then I just started to format.
Q. It's an attachment. So this was not anything -- we got the one about St. Pat's Church?
A. Yeah.
Q. Then we have the one about the Family Worship Center?

A. Yes. The church history.
Q. Pastor Car, these were all for the newspaper?
A. Yes.
Q. First Assembly of God, the Scriptural Qualifications of a Bishop were what, were they not --
A. They're all attachments I sent like to my e-mail. If I had time, like, between cases, because we don't always get a full hour, and sometimes like I would only have 20 minutes, and instead of doing something like, I don't know, playing solitaire, I would proof one of my writings, or I didn't, you know, didn't type these.
Q. Were these things, the Scriptural Qualifications of a Bishop, were these all things for the Bible Center?
A. Yes.
Q. So these were homework and things like that?
A. Yeah. All that I did at home. I didn't type those at work.
Q. But these were on your hard drive on your computer.

A. Right. I sent them Word attachment to myself just to proof, if I had free time.
Q. That's fine.
A. Just so you know.
Q. Let me go through a couple of these exhibits. I know that Exhibit 18, which is the letter to R[redacted] B[redacted], 7/15, there's a quote from you?
MR. McNAIR: Letter to R[redacted] B[redacted]?
Q. R[redacted] B[redacted] from V[redacted] W[redacted]. I just ask you if you recall it.
MR. McNAIR: What is the date?
MR. JOYAL: 7/15.
BY MR. JOYAL:
Q. Do you ever recall saying to V[redacted] W[redacted] that she had a nice sized army on a phone call that you made to her on the 14th of July?
A. No. That doesn't sound like something I would say. I don't know if she is taking it out -- something I said out of context.
Q. That's fine. So 6/22, which is Exhibit 17, V[redacted] to R[redacted]?
A. What date is that?
Q. 6/22. I'm going to -- I'll show it to you if Mr. McNair doesn't have a copy of it. As

a matter of fact, let's do this, you hold on to it. Can you try to read it out loud?
A. Something write my lawyer a letter to drop it off tomorrow. I like Abby, she is -- I like Abby she is nice. Something, said she was hoping.
Q. I saw P[redacted] grab D[redacted] too. Right, is that what she says? You were hoping that she saw P[redacted] grab D[redacted] too?
A. Yeah.
Q. "So she wasn't the only witness. I told her I'm lucky I didn't see that shit or I would be incarcerated for assault. I'm really glad Abby filed a complaint. After this is all over with, I'm going to get something nice for Abby, Deanna and Lisa. I'll have to think of something appropriate."
A. Yeah.
Q. "I can't wait for my next hearing. I hope it all goes real well and Deanna, Abby and Lisa are there for testimony." Right?
A. Yeah.
Q. Did you recall telling her that you hoped she saw D[redacted] get grabbed by P[redacted]?
A. She called me and asked me, she was

notified, and obviously that I was off the case, she was notified by the Department of Public Welfare about an incident.
Q. Did you make that statement?
A. No.
Q. So she is lying again?
A. I don't think that she is lying. I think that she is...
Q. Misinterpreting what you said?
A. I think she is coming up with a conclusion. There was just me and P[redacted] on the case. I was taken off, and she was notified about an investigation, from what I remember.
Q. How would she come up to a conclusion that said, "Abby, she is nice. She said she was hoping I saw P[redacted] grab D[redacted] too so she wasn't the only witness."
How does she come to a conclusion that says that that is a quote from you?
A. I don't know.
Q. Let's go to the Exhibit No. 16.
A. She was in the visiting room when it happened.
Q. But it was all outside, right?
A. I was outside, but she was in the

visiting room.
Q. This happened in the parking lot.
A. Right, but there's a window facing the parking lot. So there was a possibility that she could have seen it from where she was sitting.
MR. McNAIR: What number is that?
MR. JOYAL: Seventeen.
BY MR. JOYAL:
Q. So you think that she is mistaken and she is sort of coming to a conclusion that maybe she thought you said that to her, but that you really didn't?
A. I don't know what she meant. I don't recall having a conversation specifically.
Q. We have on the 16th of June, and I'm going to read you some stuff, okay?
A. Okay.
MR. McNAIR: What number is that?
Q. No. 16. "I'm still pissed about P[redacted] squeezing D[redacted]'s face. This is some shit" something call Children's Services about but you can't win if it is Children's Services. It's f'd up. "Me and my crew may be staking her out this summer. I'm going to tell Chris what she did and if he doesn't do something about it I'll tell him

he's a bitch and a pussy." What do you make of that, I'm having my crew stake her out?
MR. McNAIR: Objection. This is so irrelevant to the case.
MR. JOYAL: No. It may be --
MR. McNAIR: She's not answering any questions about what is this.
MR. JOYAL: You can't advise her to not answer a question.
MR. McNAIR: What do you make of that?
THE WITNESS: I think she has a nasty mouth.
BY MR. JOYAL:
Q. Do you think it's a threat to P[redacted]? I'm going to have her staked out?
A. I don't know.
Q. You don't know?
MR. McNAIR: It speaks for itself.
Q. We'll ask her.
I'm going to tell Chris what she did -- hey, I came up with a good idea. It says, "Hey I came up with a good idea. You know what I would like to do? Steal P[redacted]'s case aide (Abby) from her and have her be my babysitter. If I had all

three kids, I could pay her about 500 a week, that's probably more than she makes and maybe more than P[redacted] makes. I'd love for her to make more than P[redacted]. She's real good with kids too, my kids like her and she hates working for OCY." I think that's what it says. "What do you think? It's just a thought," and I can't read the rest of it.
Did you know that she was talking to R[redacted] B[redacted] about trying to have you be her babysitter and pay you $500 a week?
A. No.
Q. Did you ever talk to her, did she ever approach you about any of that stuff?
A. No. She did tell me things like, you know, kids smile when you're around or they're happy or whatever.
Q. But she never said anything to you about hiring you, right?
A. No.
Q. And did you ever say anything to her about hating to work for OCY?
A. No. I didn't hate working at OCY.
Q. She just sort of got that impression on her own?

A. Yeah.
Q. Here is the final thing. Go to Exhibit No. 10. And I want you to, again, identify those two pages for me.
A. (Witness reviews document.) Exhibit 10?
Q. Yes. These are two e-mails, right? We have one page.
A. Can we get a copy of it?
MR. McNAIR: Yes. We've already covered this.
MR. JOYAL: We haven't covered any questions on it.
A. Okay.
Q. Second page, are just somehow or another, they're from you to Deanna, June 28, 8:30 a.m., and it has four questions, right?
A. Yes.
Q. And on the reply that came back, apparently on the first page, it probably was a reply back e-mail and they replied back with what was there before, right?
A. Yes.
Q. All right. Here is what you asked her: "What is the name of that client of yours that had mental health issues? The guy that got angry

and caused a lock down because of P[redacted]. Do you know how I could get a hold of him?" Do you know what that was all about?
A. Because that was one of P[redacted]s cases.
Q. Why did you want to get ahold of the guy?
A. I didn't want to get ahold of him. I think that what I wanted to do is talk to DPW again.
Q. Why?
A. Because I had concerns about P[redacted].
Q. I see. So you were looking to Deanna to be able to go back, because they had already said that the abuse case was unfounded, right? DPW?
A. Yeah, that would have been.
Q. So you went back looking for something else to go to DPW on because you didn't like that they had unfounded the allegations that were made against her, is that right?
MR. McNAIR: Objection. Argumentative.
Q. Is that true?
A. I don't recall what my line of thinking was at that particular time. I didn't end up doing anything with this. I just had --
Q. Well, let's stop for a minute.

MR. McNAIR: Again?
MR. JOYAL: I'm going to stop her, because she's unresponsive to my question.
BY MR. JOYAL:
Q. The question was, you asked how you could get ahold of him. This was after the fact that DPW had unfounded the charges, correct?
MR. McNAIR: Asked and answered. Next question.
A. Yes.
Q. Next question. "Would you be willing to speak to Western Region, about PW and SD?" I presume PW is Patti Wozniak and SD is Sue Deveney?
A. Yes.
Q. Why did you want her to speak to Western Region DPW.
A. I believe because of the service neglect. The system at OCY is broken.
Q. You've said that a few times. This had nothing to do with the fact that you had some animosity to these two women, is that right?
A. No. I don't have animosity in the sense that --
Q. You don't?

A. No. I wanted to right a wrong.
Q. Which wrong was that, service neglect?
A. I don't think that it would be up to me. I think that I just wanted to get the information to DPW that would be the possible -- I don't really remember what my line of thinking was during this, but I know that I never did anything with it.
Q. Well, because she responded to you, the first name, she gave you the first name and address, told you where to look in the record. She told you to look in the record for it. That family name. She said go look -- did you look in the record?
A. No.
Q. The second response was, yeah, she would be willing to talk to them about these two women, right?
A. Yes.
Q. And you knew she didn't like either one of them. Correct?
A. I wouldn't use that she didn't like them.
Q. She wasn't very fond of them?
A. She didn't agree with not doing their job.

Q. Now, you remember, this is a woman who took over her case file and you knew that she had found some fault with some of Deanna's work, is that right?
A. I don't know.
Q. And if that --
A. I wouldn't sit there and listen to it. I usually got up and left.
Q. And that's because you and Deanna were friends and had the same feelings about empowerment, correct?
A. No, because it was gossip and I didn't think that it was appropriate to gossip about -- to sit and listen to people, like, I usually was very busy.
Q. Well --
A. The only time I was on my computer is when I had down time or, you know, it's not -- I just didn't have a lot of time.
Q. What is the difference, if you can tell me, ma'am, between you not listening to people talking about case files handled by your friend Deanna Cosby and you spending hours gossiping back and forth with her in North Carolina?
MR. McNAIR: Objection. That is

argumentative and there's no foundation.
MR. JOYAL: You can answer.
BY MR. JOYAL:
Q. We know, we've already identified a bunch of e-mails you sent that talk about P[redacted] W[redacted] that talk about M[redacted] H[redacted], that talk about the agency. Do you consider that gossip?
A. No.
Q. But you considered when P[redacted] W[redacted] and Sue Deveney were talking about case files, you thought that was gossip, because they were talking about your friend.
A. The few incidents that it occurred, I didn't really want to listen to it.
Q. But that is because she was your friend, is that right?
A. Deanna was definitely my friend.
Q. And that is the same reason why you think that when we showed you the letters that V[redacted] W[redacted] wrote saying Deanna told her all these things, you didn't believe she said that, is that right? .
MR. McNAIR: Objection. Argumentative.
Q. Is that right?

A. If you -- I'm sorry?
Q. She is your friend, so when somebody says something that might implicate her in wrongdoing, you don't believe it?
MR. McNAIR: Objection. Argumentative. Let me give my objection first.
Q. Answer the question. Let me rephrase the question.
When somebody criticizes Deanna's work, you don't want to listen to it, is that correct?
MR. McNAIR: Objection. Argumentative.
Q. Yes or no.
A. I can't answer that. It's not that I couldn't listen to objective criticism. If she really did -- in my capacity as a case aide, I worked with caseworkers. Nobody knew the professional habits of these caseworkers better than a case aide. That is just the nature of what I did. So, you know, if I worked on a case and the caseworker didn't show up for X amount of months or wasn't providing service, I knew. I also knew in retrospect that Deanna was a hands-on type of individual that got involved in her cases, that believed in following the Court

order or whatever the specifics were on the case. She was professional, even though she has a sharp tongue in some of these e-mails. She was a good person. I watched her professional habits for years.
Q. Let me ask you this question in this way: If you were her case aide in cases that things weren't done, would that implicate your performance as well as her case aide?
MR. McNAIR: Objection. Lack of foundation. Calls for speculation. There is no evidence that Deanna ever failed to perform all of her assigned duties. Therefore, there is no predicate for the question.
BY MR. JOYAL:
Q. Do you know that Deanna Cosby wrote many e-mails about being accused of inappropriate behavior during her cases, back to her supervisors in her own defense, did you ever talk to Deanna about those?
A. Hum-mm.
Q. Did you ever talk to Deanna about the issues that involved the vouchers that were missing in her files that had never been turned in and various things that were supposed to have

been purchased that they couldn't find any records for behavior?
A. I didn't hear about that, no.
Q. Did you know about it?
A. No.
Q. Would it surprise you if there were such issues about her performance?
A. Yes.
Q. It would, because Deanna is a good person. And she is your friend?
A. No. I can only weigh her in the sense of my professional relationship with clients. I saw her interact, she showed up to work, just basic very simplistic terms. I wasn't --
Q. You didn't know anything else about her performance evaluations, did you?
A. I knew that her and Sue got into it. That's all I knew.
Q. Did she ever ask to transfer?
A. No.
Q. She didn't?
A. She left.
Q. She left. How long did she work for the agency before she left, do you know?
A. A couple of years.

Q. Did you work with her for those couple of years?
A. Yes.
Q. Did you socialize with her outside of work?
A. Sometimes. Not often.
Q. Did you go to the same church with her?
A. No.
Q. Why did you want to know, you also in this Exhibit No. 10 say, "What was the name of the family you heard PW maligning, remember last year you said you over heard her giving it to a parent?" And she said she didn't remember.
A. Yeah.
Q. What was the purpose of asking that question?
A. Because I wanted to report everything to the Department of Public Welfare. But like I said, I didn't do that.
Q. Well --
A. Or Western, you know.
Q. Is it fair to say the first report you made, which was the inappropriate physical behavior toward a child, you believed was not enough, so you were going to go back to the

Department of Public Welfare with more?
MR. McNAIR: Objection. Argumentative.
Q. Is that true?
A. I didn't go anywhere with this.
Q. Because she couldn't give you any details, is that right, she said she didn't remember?
MR. McNAIR: Objection. Argumentative. If you want to argue with her, take it outside or something.
MR. JOYAL: Okay. I'll ask the question.
MR. McNAIR: Did she give you any information in response to that question?
THE WITNESS: No. Except for the last name.
BY MR. JOYAL:
Q. So for question 3, you couldn't get any information from her, right, so you couldn't do anything with it, is that a fair statement?
A. Is that a fair statement?
MR. McNAIR: Again, argumentative.
Q. Is it a fair statement?
MR. McNAIR: It's argumentative.

A. No.
Q. No. And then you asked about her ex-husband's name. What did you need to know that for?
A. Because of what Sue Deveney had said, I was wondering, like...
Q. Which is what, what did Sue Deveney say?
A. About her child being, like I wanted to know if, what her history was.
Q. Why?
A. Because I suspected that something was really wrong with P[redacted]. And I wanted to tell someone about it. It was a gut feeling that I had.
Q. And you were going to do that to do what, help her?
A. Yes.
Q. Or hurt her?
A. I often said that. If knowing P[redacted]s issues didn't help her, it just made it spiral.
Q. Did you know whether anybody thought that you had issues that hindered your job performance?
A. I openly talked about my issues. People knew that I had suffered from depression. In

fact, you know, I openly admitted it.
Q. But did you ever write something that had to do, and I didn't ask you this, did you ever talk to people in your agency about your childhood?
A. Yes.
Q. And were you a foster child?
A. Yes.
Q. What, tell me about how you became a foster child?
MR. McNAIR: Objection. This is just abusive. Do you mind?
MR. JOYAL: No, it isn't.
MR. McNAIR: It has absolutely nothing to do with this case.
MR. JOYAL: Everything to do with this case.
MR. McNAIR: How does it relate to the stated reason for her termination?
MR. JOYAL: No, it has to do with my defense of your lawsuit.
MR. McNAIR: In what way?
MR. JOYAL: Because your client has admitted at this stage of the game that she gave up information that she shouldn't have, her job

performance.
MR. McNAIR: That is not true.
MR. JOYAL: I believe it is, by talking about these e-mails.
MR. McNAIR: I know you believe it is. What does that have to do with her childhood and foster care?
MR. JOYAL: It's all part of her record.
MR. McNAIR: Where in the record?
MR. JOYAL: Have you read any of the documents that Mr Taft provided you in response to your request for the --
MR. McNAIR: Mr. Taft took most of those documents back when the hearing was cancelled, and, no, I didn't see them.
MR. JOYAL: Why not, were you not involved in the case?
MR. McNAIR: No, I was not involved in the case.
MR. JOYAL: I'm sure Mr. Angelone -- let me withdraw the question.
MR. McNAIR: You can wait until he's here. This is abusive.
MR. JOYAL: I'll ask this question.

BY MR. JOYAL:
Q. You were informed at various times during your evaluations that your supervisors felt that you got too emotionally involved in your cases, is that correct?
A. Yes.
Q. Is it fair to say, just based upon what we've talked about today, that before you went to testify on July 24 of 2004 in the [redacted] case --
A. July 28, right.
Q. I'm sorry, July 28, in the [redacted] case, that you were concerned that you might have a problem at your job due to these people investigating the breaches of confidentiality that they filed?
A. I knew that I had problems for reporting [redacted]. They were not happy with me and I had asked to be taken off the unit.
Q. Well, prior to July 28 of 2004, we have entered into evidence here as exhibits the documents that we have which is your, all the letters from, your e-mails to Ms. Cosby where you were talking about [redacted] detention, the letters that [redacted] wrote to Mr. [redacted] about her conversations with you as

well as her conversations with Deanna about the detentions. Prior to that date as well, you have written a June 28 memo, which we've talked about as No. 10, asking for further information from Deanna Cosby to be used to talk to DPW, right? Correct?
MR. McNAIR: No. That's not correct. That's not what she testified.
MR. JOYAL: I'm going to --
MR. McNAIR: Quit misrepresenting the record. You're wasting your time and my time.
MR. JOYAL: Mr. McNair, this is the record.
MR. McNAIR: The record is what she answered, the way she answered your questions. And I don't appreciate your telling her eight hours into this that she gave one answer when that is not the answer that she gave. You just did --
BY MR. JOYAL:
Q. Let me rephrase it. I disagree with Mr. McNair.
You would agree with me, ma'am, that you have identified some of these documents that are

being placed as exhibits, is that right?
MR. McNAIR: Objection. Vague. Overbroad.
MR. JOYAL: Do you want me to go through them one by one?
MR. McNAIR: No. It's already done. I don't know what your point is. Let's go home.
BY MR. JOYAL:
Q. All of these documents, everything that is contained in these exhibits, all occurred before July 28, 2004, is that correct?
A. All of them?
Q. Well, most of them. The DPW --
MR. McNAIR: Objection. Argumentative.
Q. The DPW interview occurred before July 28?
A. Yes.
Q. Did the e-mail and the conversation with Sue Deveney about confidentiality on the unit occur before July 28?
A. I believe so.
Q. Did your conversations and e-mails with Deanna Cosby occur before July 28?
A. Some of them, yes.

Q. Some of them. Did your conversations, did the letters that we identified that we showed here about Vickie Wilson to Robbie Beers occur before July 28?

A. I don't know. They weren't dated.

Q. Well, they were dated.

MR. McNAIR: The documents speak for themselves. Their dating is a matter of record. If you're trying to argue her into making some admission, I object because that's improper under the rules. And it is further a waste of your time and my time.

MR. JOYAL: It's improper under the rules.

MR. McNAIR: To ask argumentative questions.

MR. JOYAL: I won't be argumentative.

MR. McNAIR: You're being argumentative.

BY MR. JOYAL:

Q. Before July 28 --

MR. McNAIR: She will agree. I will stipulate that the only documents that you've provided her are dated prior to July 28. Okay?

So go on.

BY MR. JOYAL:

Q. When you went into court on July 28, were you aware of the fact that Ed Palattella was going to be there?

A. No.

Q. You weren't.

A. No.

Q. So at that point in time, you didn't know that Ed Palattella was going to be there, but you had had a conversation with someone from First Step --

A. That was [redacted] [redacted]'s case.

Q. I understand. But you had a conversation about that before that. Now, you said -- did you not also --

MR. McNAIR: Relative to the July 28 hearing.

MR. JOYAL: I thought she said she had another conversation before that about reporters coming to these places, to hearings.

A. To [redacted] [redacted]'s hearings, yes.

Q. When you got to the [redacted] hearing, did you know Ed Palattella by sight?

A. I know him from politics.

Q. And you knew that he also was a reporter that wrote a lot of stuff about OCY and things like that prior to that hearing, is that right?

A. Yes.

Q. And had anybody told you that if you talked at the hearing about being afraid of losing your job and making reports, that you might be, you know, that they couldn't fire you?

A. No.

Q. Did it ever occur to you that when Mr. Palattella wrote -- when you testified about how you were afraid of losing your job, that that was going to be reported in the newspaper?

MR. McNAIR: Was it?

MR. JOYAL: Yes, it was.

THE WITNESS: No, it wasn't.

BY MR. JOYAL:

Q. It was not reported in the newspaper at some point in time about your conversation?

A. Yeah, after the state civil service, the transcripts, yes. I got --

MR. McNAIR: After she was terminated.

A. After I was fired.

Q. It was reported, right.

MR. McNAIR: After she was terminated.

A. I misunderstood you. I thought you meant that it was before.

MR. McNAIR: We'll stipulate it was reported after she was terminated.

BY MR. JOYAL:

Q. You knew prior to July 28 of 2004 that you were being investigated by your superiors for violating confidentiality and improper use of computer system, weren't you.

A. No.

Q. You knew there had been conversations about people who, from Ms. Deveney, that there had been information about [redacted] [redacted] that had been leaked out to the public, correct?

A. She didn't say that. I assumed that was what she was talking about when I had the meeting with her.

Q. And you assumed she was talking about you.

A. She said that someone leaked this information, she calls me into the office, I connected the dots. I did not take it that she was doing an investigation. I was not sat down

and reprimanded or some kind of -- I knew that I had made them really angry.
Q. Well, when you say you connected the dots, did you think she was looking at you and accusing you of doing it?
A. I thought the possibility was there, yes.
Q. Was there --
A. It was not accurate. Her allegation that I said something to R[redacted] about P[redacted] was not accurate.
Q. That you said something to R[redacted]?
A. I didn't ever meet R[redacted]. I couldn't have talked to R[redacted]. I didn't -- I wouldn't do that.
Q. Somebody talked to R[redacted]. Do you agree?
A. Somebody, I don't know.
MR. McNAIR: Objection. Foundation.
Q. Well, R[redacted] was in jail?
A. Yeah.
Q. R[redacted] wasn't out on the street. Somebody had to talk to R[redacted].
A. I promise I didn't go and talk to him.
Q. I'm not suggesting that you did, ma'am.
MR. McNAIR: Well, then, what is your point?
MR. JOYAL: I have no point. She

brought it up.
MR. McNAIR: Then stop asking questions. We have 15 minutes left.
BY MR. JOYAL:
Q. I want to ask you, when you said, why was it that you testified in court on the 28th you were afraid of losing your job under direct cross examination from Mr. Valella, yet when Mr. Cauley cross-examined you and said has anyone ever told you that you were in danger of losing your job, you said no. Why did you say that?
A. Because I knew that it would make them angry if I told the truth.
Q. And the truth was that someone had threatened you with the loss of your job before July 28th?
A. I don't think that that is what I said. What I said, I answered -- someone asked me the question, are you fearful, it might have been Judge Kelly. I answered a question. I didn't just randomly start...
Q. Let's go back to page 84 or 85, and we'll finish this up. Mr. Valella asked you on page 85, "Are you concerned about anything sitting here testifying today as you are today?"

And your answer was, "I'm concerned, oh, yeah, a little bit, and I'm concerned about getting into trouble."
"What kind of trouble?" from Judge Kelly.
"I'm going to lose my job."
Judge Kelly says, "Why are you afraid of that?"
"Because some of the things that they've done is not appropriate, I don't want to lie." You said on page 85 that you were afraid of losing your job?
A. Yes.
MR. McNAIR: The transcript speaks for itself.
MR. JOYAL: I'm going to make sure she said this.
BY MR. JOYAL:
Q. Page 94, this was Mr. Cauley questioning you, did you say these things? "You told the judge you were afraid you might lose your job?"
"Yes, sir."
"Who, has anybody made a threat or indication to you that you might lose your job?"
Answer, "I have been having some kind -- I am having some problems at work as far as I've

been" -- that was Mr. Luck. "Objection, Your Honor." That was Mr. Cauley's objection.
Question from Mr. Luck, "Has anyone threatened you with a job loss?"
"No." Then you went on to talk about your problems, repetitive meetings, concerns about information about that case, we go to 95, now --
MR. JOYAL: I have nothing else.
MR. LANE: By my calculation, we actually have 38 minutes left, not 15.
MR. McNAIR: How do you calculate that?
MR. LANE: We went from 10:30 to 2:05 with a five-minute break in between, which is three and a half hours.
MR. McNAIR: You don't deduct the five-minute break.
MR. LANE: Three and a half hours. We went from 3:02 to 4:02, one hour, 23 minutes: four hours, 53 minutes. We then went from 4:30 until current, which I'll give you a minute, 6:00 o'clock. That's an hour and a half out of two hours and seven minutes we have left. We have 37 minutes left. I will try to finish in

less than that.

(Conley Deposition Exhibit 23 was marked for identification.)

EXAMINATION

BY MR. LANE:

Q. I believe you testified, Ms. Conley, that Deanna Cosby is a caring and compassionate person, is that correct?
A. (Witness nodding head.) Yes.
Q. And she is a professional?
A. Yes.
Q. You testified that she is a good person, correct?
A. Yes.
Q. I'm going to show you what I'm marking as Exhibit No. 23. Here is a copy for your attorney as well.
A. Okay.
Q. For the record, this appears to be an e-mail that is dated Friday, June 11, 2004, 10:12 a.m. at the top, printed off of Matt Granger's computer, it appears, and has several e-mails nested within it. Is that correct?
A. Yes.
Q. At the bottom, there's a reference to, it

appears an e-mail from Deanna Cosby to you, it says on June 11, 2004, at 9:25 a.m., "Hey I haven't spoken to you in a while. Just wanted to say hi." Is that accurate?
A. Yes.
Q. Up above that, it appears that there is an e-mail dated June 11, 2004, at 9:58:41 a.m. from you to Deanna Cosby saying, "I have had some problems. Sue called me into her office and said it came to her attention that someone from her unit had sent out client information over the email system to a secondary email outside of this office."
A. Yes.
Q. Do you remember sending that to Deanna Cosby?
A. Yes.
Q. Now, up above that, it appears that there's a message sent from Deanna Cosby to you dated June 11, 2004 at 10:00 a.m.?
A. Okay.
Q. And that e-mail says, "Well we'll just keep the subject matter to hey how ya doin because I know the situation there is not always positive. I just read you're last email and I

will not do ANYTHING to help anyone on Sue's unit except for you so now the phone conference is definitely out. She is a nosey, miserable, busy body, who could stand a hard slap in the face. Well both of them could. But I'm okay with the fact that life smacks them in the face daily. Tra La." Do you see that?
A. Yes.
Q. Do you remember getting that from Deanna Cosby?
A. Yes.
Q. Is that what you consider caring and compassionate?
A. I think that is --
MR. McNAIR: Objection. Argumentative.
A. That is Deanna being a smart aleck.
Q. My question is, is that what you consider being caring and compassionate?
A. No.
Q. Is that what you consider professional?
A. No.
Q. Is that what you consider being a good person?
A. I don't know how to answer that. It's

kind of like a trick question. Deanna really doesn't walk around smacking people.
Q. So you can't answer that question?
A. No. You're kind of -- it's kind of leading. I don't know. Deanna doesn't walk around really smacking people.
Q. Well, she said that both of them could use a smack in the face.
A. But she didn't mean it literally. It's just like, I don't know, I feel like blowing up doesn't mean that I'm necessarily going to really blow up.
Q. Well, what did you think she meant by saying that life smacks them in the face daily?
A. Because they both have issues.
Q. Oh, so, was she basically poking fun at their issues?
A. I think she was being sarcastic, and it's hard for me to really define what Deanna meant. An e-mail is, doesn't express emotion. I know Deanna, so it's easy for me to look at this and know that Deanna is being a smart aleck. I can understand why you can have a different interpretation of this, just looking at it at face value. The written word can be taken out of

context, and I understand where you're going with this, but I know how Deanna is. She has three children. She is a kind person, and I don't think that she would really smack someone. I'm sorry. It's just the truth.
Q. Do you know to whom she was referring when she said both of them could?
A. No.
Q. Did you e-mail her back after you received this to tell her that this wasn't a very professional thing to send you?
A. I don't remember.
Q. Did you e-mail her back and tell her that it wasn't a very Christian thing to send to you?
A. I don't remember.
Q. Did you e-mail her back and tell her it was inappropriate in any way?
A. I don't know.
Q. Looking up above that e-mail, it looks like you e-mailed her, according to this, at least, on June 11, 2004, at 10:07:48 a.m. Do you see that?
A. Where is it? Okay, yeah.
Q. And your e-mail says, "CALL ME!!!!" Do you see that?

A. Yes.
Q. And then she e-mailed you back it appears to say she tried, and the recording said that the number you reached is not in service.
A. Yes.
Q. And then you told her, she should call the switchboard, press zero and ask Judy to send back her call. Do you remember the phone conversation you had with her after this?
A. No.
Q. Do you remember if you told her it wasn't very professional or appropriate or Christian to make these comments that somebody could use a hard slap in the face and to poke fun at their personal situation?
A. I don't recall what we talked about.
Q. I believe you've testified in this deposition that Sue Deveney appeared as though she was inebriated on certain occasions.
A. There was something not right. I don't know what it was.
Q. Didn't you say that it appeared she was inebriated?
A. Well, I was trying to editorialize what his question was about Deanna saying the word

zoot. I was speculating and I shouldn't have. I don't know what her problem was.
Q. But she had a problem that you observed?
A. I've noticed it. You can't help it.
Q. And did you notice that problem throughout the course of your work at OCY from 2000 on?
A. Off and on. I didn't know, you know.
Q. Off and on from the time you began there until the time you left?
A. Mostly on her unit, because when I initially started there, I was kind of a global case aide. I took different cases from different units and she only had worked in the capacity of a supervisor for a couple of years, I believe, so it would have only been within the context of -- or the confines, I'm sorry, of that time.
Q. And when did you work with her unit?
A. From, I don't know, probably about a year.
Q. Okay. And before that, did you have experience with her and exposure to her, is that correct?
A. Off and on.
Q. And these observations you made of her

having something wrong with her, that was from the time that you started there until the time you left, off and on?
A. Yes.
Q. Next I'm going to show you what I will mark as Exhibit No. 24.
(Conley Deposition Exhibit 24 was marked for identification.)
BY MR. LANE:
Q. By the way, before I do that, I think you testified that you never brought to the attention of anyone these issues with Sue Deveney, about having something wrong with her, to anybody?
A. I didn't know what her problem was, if it was a medical condition or whatever. I don't know.
Q. Exhibit No. 24 is an e-mail that appears to be dated May 18, 2003 to Abby Conley from Debbie Liebel. Do you see that?
A. Yes.
Q. And there's an e-mail nested beneath there dated May 16, 2003 from Abby Conley, you?
A. Yes.
Q. To Paul Concilla and Debi Liebel, carbon copy to Sue Deveney. Do you see that?

A. Yes.
Q. I'll give you a few moments to look at that.
A. I remember it.
Q. Okay. And what do you remember about this?
A. I remember how impressed I was in this particular case that she went in and she did a remarkable job.
Q. In fact, in the last two lines of the first page of this exhibit, it says, "If the situation ever arrives, where you need an example of a supervisor with exceptional value to our agency, I would like to suggest Sue Deveney. Her character is exemplified by her actions."
A. Yes.
Q. And that was written after you had been working at OCY for three years, is that right?
A. Yes.
Q. And you know of no written transmittals or correspondence that were authored by you criticizing her in any way, is that correct?
A. I'm not aware of -- in reference to what, her drug use?
Q. In reference to anything.

A. Or whatever it was? To concerns?
Q. Your concerns about Sue Deveney. Did you author any letter, e-mail, or any other document or transmittal?
A. I can't recall. I could have, because I definitely, you know, had some concerns towards the end. I asked to be taken off of her unit.
(Conley Deposition Exhibit 25 was marked for identification.)
BY MR. JOYAL:
Q. I next want to show you Exhibit 25. This is an e-mail that appears to be printed off Matt Granger's computer e-system and at the top is an e-mail from Abby Conley to Gail Smith dated January 30, 2004 at 12:29 p.m. regarding Satan's Meeting, and there's an LOL underneath that. Nested beneath that is an e-mail from Gail Smith to Abby Conley dated January 30, 2004 at 12:20 p.m. regarding something that got sent to your home and then beneath that is a message from Abby Conley dated January 30, 2004 at 12:15 p.m. to several people, including Deanna Cosby regarding Satan's Meeting. Do you see that?
A. Yes.
Q. Which e-mail was sent first?

A. I don't know. It's kind of confusing. It says Gail Smith sent it to me January 30, 2004 at 12:20, and then it has me sending it out at 12:15, so I don't know how it could have came in -- oh...
Q. Do you believe that you sent it to Gail Smith at 12:15 and she replied?
A. I think that's --
Q. Excuse me. She replied at 12:29 LOL, meaning lots of laughs?
A. It looks like --
Q. I'm sorry, she replied to you at 12:20, and you replied at 12:29 to that. Is that accurate, or don't you know?
A. It's confusing to me, because "I just sent this to your home... just a minute ago!!!!" Gail is saying that she sent that to my home.
Q. Do you know if she was saying that because you had sent it to her and she was sending it, it was ironic?
A. People send so much junk mail there it's not funny.
Q. Do you believe that you sent this Satan's Meeting poem, whatever it is, to a number of people, including Deanna Cosby?

A. Yes, it looks like it.
Q. And were you aware of the restriction on sending out political messages and religious messages on the OCY computer system?
A. I am aware of it now. At the time, there might be a policy, but it's not something that was practiced. I mean, I would get stuff like -- Gail is the head of computers. Even in some of these, you can see in other e-mails, non-related work e-mails are commonplace there.
Q. When you say Gail is the head of computers --
A. She does something with computers. And even, Sue had sent me stuff, Tony had, my two supervisors sent me things that were not related to work. Junk e-mail.
Q. To take a look back at Exhibit No. 3, if we can pull it out of the exhibit stack. No. 3 and No. 9. Exhibit No. 3 is a set of nested e-mails that you testified about at length previously, and I'm not going to ask you a lot of questions about, I just want to get this time line straight. Here is Exhibit No. 3. This is the e-mail we said nested e-mails dated June 4 and June 7, 2004, you discussed previously where

you were talking about whether V[redacted] knew about the detention letters at all the local hospitals. Do you remember discussing that?
A. Whether V[redacted] knew about it?
Q. Yes.
A. I didn't discuss that, no.
Q. During your deposition today, do you remember discussing that issue?
A. About the detention letters and this e-mail, yes.
Q. In fact, in the middle of the first page of Exhibit No. 3, I believe it's the first page, there's an e-mail dated Friday, June 4, 2004, at 3:17 p.m. Do you see that?
A. I'm sorry. Say that one more time.
Q. Do you see the e-mail dated June 4, 2004, at 3:17 p.m.?
A. Yes.
Q. It's an e-mail from Deanna Cosby to you saying "she will." Do you see that?
A. Yes.
Q. That was in response to a prior e-mail that you sent to her saying, "I just spoke to V[redacted] last night, she was not in labor. Her attorney told V[redacted] that she has nothing to

worry about when it comes to the unborn child. She told V[redacted] that we (OCY) cannot detain. V[redacted] is taking her attorney's advice, she is due any day. P[redacted] has detention letters at all the local hospitals. V[redacted] does not see this coming." Do you see that?
A. Yes.
Q. Deanna Cosby said, in response to that, "she will"?
A. Right.
Q. And you understood it to mean, she will see it coming.
A. I understood, because I've -- I know exactly what I was thinking when this e-mail took place, and that Deanna -- first of all, Deanna is the one that brings up V[redacted] W[redacted] in this e-mail, not me.
Q. My question to you --
A. I didn't bring it up. I need to say something.
MR. LANE: I'm going to get an answer to my question. She did it to him the whole day. I want an answer to my question.
BY MR. LANE:
Q. Did you understand "she will" to mean she

will see it coming, that's all I'm asking you?
A. No.
Q. What did you understand it to mean, "she will?"
A. Deanna is going to help this case.
Q. And that was after, about two weeks after you had received an e-mail referenced in Exhibit No. 9, and at the top, it says, on Tuesday May 25, 224, Deanna Cosby says to you, "Abby stop it you know I don't like ECOCY and I would do ANYTHING to see it go down in flames," right?
A. This is the month before?
Q. Two weeks before.
A. Okay.
Q. Right?
A. You're right.
Q. So two weeks after she says she would do anything to see EOCY go down in flames, she sends you the e-mail identified in Exhibit 3 that says "she will," correct, and you interpret it however you interpret it, you just testified to that, right?
A. Okay.
Q. And in response to that interpretation, did you send her an e-mail saying "God bless you

Deanna"?
A. Yes.
Q. In your complaint in this case you allege that on or about July 9, 2004, you were transporting a minor three-year-old female and younger brother with visitation with their natural mother?
A. Yes.
Q. Who would that natural mother have been?
A. Vickie Wilson.
Q. When you arrived at the parking lot of the visitation site, you parked your car, W[redacted] was also at the parking lot awaiting your arrival, correct?
A. Yeah. I believe she was walking across the street, north parking lot.
Q. You allege in your complaint, paragraph 16, after W[redacted] arrived at your car to remove the three-year-old from her car seat, the child was tugging on the car seat belt apparently anticipating getting out of her seat. Is that accurate?
A. Yes, sir.
Q. And you allege that W[redacted] forcibly grabbed the child's face with her left hand and

forcibly yelled at her, yelling, no, no, no. And you thought that was a significant event, didn't you?
A. I thought it was inappropriate.
Q. Did you think it was child abuse?
MR. McNAIR: We already covered this.
Q. You didn't think it was child abuse?
A. I thought it was inappropriate.
Q. What does that mean?
A. That she, you know, physical abuse by definition would be, you know, slapping, punching, pulling, you know, something that would cause physical abrasions, bruising, whatever. When she grabbed her by the face, I just viewed it as very inappropriate. Wasn't sure how to take it.
Q. Did you report it to anybody?
A. Yes.
Q. To whom did you report it?
A. I called the hot line and asked them what their thought was on it. I also talked to, because my supervisor was not in her office, was sick one day, there was like a series of things that had happened, and like the week of the next

visits that were to occur, I talked to -- what is her name -- Christy Hulton.
Q. Who is Christy Hulton?
A. A supervisor who was, like, by acting supervisor-wise, while Sue was gone.
Q. What did Christy Hulton say?
A. She said she wanted me to repeat what I had seen to Pam Biroscak.
Q. What was Pam Biroscak's position?
A. She was Sue Deveney's supervisor.
Q. Did you repeat that?
A. I repeated what happened.
Q. Do you know when that happened?
A. No. I could find out, though.
Q. How long after the incident, approximately?
A. It was a week and a half, two weeks later. There was a series -- the family only got weekly visits.
Q. When was the first time you reported the incident that allegedly took place on June 9, 2004?
MR. McNAIR: To whom?
Q. To anybody.
A. To Christy Hulton, I tried to report it

to Sue. Sue was too busy on a couple occasions. There was twice I asked if I could speak to her, twice or three times, and she was too busy. And I talked to Christy because Sue wasn't there, like the following week, I couldn't wait any longer.
Q. When did you first try to talk to Sue about it?
A. Right after the incident happened, like the following day. I believe the incident -- I would have to look at my notes at home, my calendars. I believe it happened on a Wednesday. I think I approached Sue the following day, because I had cases from morning to night.
Q. And you thought this incident was important enough to attempt to contact Sue on a number of occasions, and when she didn't respond, to talk to somebody else about it?
A. Yes.
(Conley Deposition Exhibit 26 was marked for identification.)
BY MR. JOYAL:
Q. I'm going to show you what I'm marking as Exhibit 26. Can you tell me what this is?
A. That is a date of contact.

Q. What is a date of contact?
A. This is in the electronic system. It basically says the type of visit that occurred.
Q. Do you enter that into the computer?
A. Yes.
Q. Did you --
A. Sometimes secretaries do. It depends.
Q. Did you enter this into the computer?
A. I don't know for sure.
Q. It says entered by Abby Conley. Does that mean anything to you?
A. Yeah. You can enter any name. The system itself is set up that you can add or delete information. I'm really leery about saying anything about this, because anyone can go in and edit this. I do not recall exactly what I wrote that day.
Q. You can read this, and then you can answer this question. Would you agree with me that Exhibit 26, which is a date of contact entry in the computer dated June 9, 2004, says absolutely nothing about this incident with [redacted] W[redacted] that you're alleging?
A. I don't think that I put it in there, because I wanted to talk to my supervisor

directly.

Q. You didn't think it was important enough to put into the computer system about your entry that day?

MR. McNAIR: Objection. Argumentative. She has already answered the question why she didn't.

BY MR. LANE:

Q. You didn't think it was important enough to put in there?

A. I wanted to talk to my supervisor about it, because it wasn't -- it had nothing to do with the parent. It had something to do with the staff. I wouldn't put a staff's behavior in a client observation. It would be inappropriate.

Q. On September 10, 2004, you had a meeting, is that correct?

A. On what?

Q. September 10, 2004.

A. Yes.

Q. And that meeting was with Liebel, Callan and Onorato?

A. Yes, sir.

Q. Where did that meeting take place?

A. Inside Pete Callan's office.

Q. And where was that?

A. On the first floor of the courthouse.

Q. And was that the only time since you've been employed by OCY that you had a meeting with John Onorato?

A. Yes.

Q. Tell me everything Onorato said at that meeting.

A. He said that I had different options. Basically that he would go easy on me if I would just resign. I told him that I thought that this had to do with the Court hearing. He had the testimony or the transcript from the July 28th hearing, told me that it had nothing to do with that. Basically that I was not allowed.

Q. Not allowed to what?

A. That I was not allowed to talk to anybody about the meeting and that it would affect my unemployment. He said a lot of things.

Q. Tell me everything he said.

MR. McNAIR: Objection.

A. I can't remember everything.

Q. At trial, I'm telling you right now, if you try to testify to something he said in this meeting that you're now forgetting, I'm going to

contend you made it up between the time of deposition and the time of trial. It's in your best interest to tell me everything he said.

MR. McNAIR: Contend away.

Q. Everything he said at the meeting, please.

MR. McNAIR: I'm going to agree she can answer the question limited to what she recalls at this time.

MR. LANE: Of course. She can't testify to what she doesn't recall or she would be lying.

MR. McNAIR: You're asking her to do that. She already said she doesn't recall.

A. Plus I'm really, really, really super tired now.

Q. So the only things you remember John Onorato saying during the entire September 10 meeting is what you told the court reporter right now?

A. No. There is a lot of the -- he said a lot of stuff.

Q. I'm entitled to know what it is.

A. He threatened to have charges brought up against me with the district attorney, that that

was an option. When the union steward asked him about it, about pressing charges, he said that that was definitely an option that they were looking at. Said that giving Deanna the phone number to [redacted]'s attorney was considered a breach of confidentiality. I said that I didn't think it was, and he said she was considered a third party. And he typed up the resignation letter, said, you know, it definitely worked to my benefit if I would just sign it. I asked if I could have an attorney present. He said no. He said that we could not wait until Monday to -- he wouldn't let me have my union representative there from OCY.

Q. Anything else you can recall.

MR. McNAIR: Just for the record, I'm giving her a document that, since you've made it so important.

MR. LANE: When you ask her questions, you can give her a document. I'm asking her current recollection. So when you ask questions, you can feel free to show it to her.

BY MR. LANE:

Q. Anything else you can recall sitting here?

A. Just that I had breach of confidentiality by the phone number. I can't remember everything. I'm sorry. I'm really tired.
Q. By the way, there was an investigation done into your contention that P[redacted] W[redacted] acted inappropriately on June 9, 2004, is that correct?
A. Yes.
Q. And the results of that investigation were that the charges were unfounded, correct?
A. Yes. I agreed with the woman.
Q. You agreed with the woman?
A. Yes.
Q. That the charges were unfounded?
A. Yes, because according to her terms, because P[redacted] did not kick, scratch, punch, throw D[redacted], that that was not viewed as physical abuse. I can see the wisdom in that. It was inappropriate, but it was not physical abuse.
Q. You agree there was no wrongdoing on the part of P[redacted] W[redacted]?
A. I would not agree with that, no.
Q. There was wrongdoing?
A. Yes.
Q. It just didn't violate any statute or

code or anything like that, right?
A. It violated -- we really should not in child welfare be grabbing children by the face and the child gets out of the car, she is obviously whiney through the visit and it causes a problem. It was inappropriate.
Q. My question was, did it violate a statute, or code or any other regulation that you know?
A. No, sir, not that I know of.
Q. I'm going to show you Exhibits 27, 28, and 29 in that numerical order.
(Conley Deposition Exhibit Nos. 27 through and including 29 were marked for identification.)
BY MR. LANE:
Q. In your complaint you make a claim of defamation against John Onorato. You allege that John Onorato made some comments to a Times News reporter that were published on January 17, 2005, do you remember that?
A. Yes.
Q. And in your complaint, in paragraph 63, you allege that Onorato in his statements that were published on January 17, 2005, stated to the

Times News reporter that Ms. Conley had committed, quote, "an egregious breach of confidentiality," unquote, and that the large bill was justified in defense of the children. Yes?
A. Yes.
Q. And those statements were published in January 2005, correct?
A. Correct.
Q. That's the time you believe the defamation occurred, correct?
A. Yes.
Q. Prior to January 2005, there were several articles published in the Erie Times News about you, correct?
A. About me going to the state civil service, yes.
Q. You were in the papers, right?
A. Yes.
Q. In fact, your picture appeared in the paper, a photograph?
A. They had done a story about me, my life before.
Q. And Exhibit No. 27 is an article published October 4, 2004, a few months before

January 2005?
A. Yes.
Q. With your photograph and some information about the whole story, is that correct?
A. Yes, sir.
Q. Do you know when that photograph was taken?
A. Yeah. A couple of years ago, they did an Easter story on hope and they talked about people that inspired hope. It was a file photo that the Times News had. I hate it. They have it on file.
Q. On the second page of that article, in the middle of the page it says, "Her lawyer, Anthony Angelone, said Conley has a strong case." Do you see that?
A. Yes.
Q. It quotes him. Do you see those quotes in the next three paragraphs?
A. Yes, sir.
Q. Did you authorize Mr. Angelone to speak on your behalf to the paper?
A. No.
Q. Did he make unauthorized statements to the paper?

A. I just kind of assumed attorneys could do that. I don't think we ever talked about it.
Q. Did you ever give Mr. Angelone authority to make comments to the paper so that you didn't have to?
A. No.
Q. Did you know Mr. Angelone was making comments to the paper on your behalf?
A. I think that he would talk to the paper if he had to.
Q. Did you ever reprimand him for making comments to the paper about you?
A. No. It's not my place.
Q. Did you ever tell him you didn't want to be a public figure or quoted in the paper, anything like that?
A. I definitely don't like it.
Q. Did you ever tell him that, was my question.
A. I think I did. I don't like all the publicity.
Q. Do you know if he commented to the paper anyway?
A. I don't know.
Q. I'm going to next show you out of order

Exhibit 29, save 28 for next.
MR. McNAIR: Do you have copies of these?
MR. LANE: I do, but I'm trying to save time here. Can I give them to you in a few minutes?
MR. McNAIR: Okay.
BY MR. LANE:
Q. This is an article published September 17, 2004 entitled "Counsel Eyes OCY Probe."
A. Yes.
Q. Do you remember this being published?
A. Yes.
Q. And if you go down to the second to the last full paragraph on the bottom with a little dash in front of it, it says, "The lawyer for Conley said Conley is contemplating suing the county."
A. Yes.
Q. "Attorney Anthony Angelone said that based on what Conley told him, Schenker and officials at OCY 'coerced' Conley into signing a prewritten letter of resignation, and that Schenker used unfounded reasons to get rid of

her."
Do you see that?
A. Yes.
Q. The next paragraph says, "Angelone declined to be specific," do you see that?
A. Yes.
Q. The following paragraphs says, "Angelone said the officials told Conley that they would consider filing criminal charges against her if she did not sign the resignation letter."
Do you see that?
A. Yes.
Q. Quote from Angelone that says, "'The reasons that they gave her for her termination are obviously pretexts for some other motivation,'" do you see that?
A. Yes.
Q. And then the next line says, "Conley declined comment and referred questions to Angelone."
Is that accurate, you declined comment and referred questions to Angelone?
A. I asked them to call my attorney.
Q. And that your attorney would comment on these things?

A. That's not what I said. What I said, my attorney told me I am not allowed to talk to the press.
Q. Did you ever instruct your attorney to instruct the press that he had no comment about you or your involvement in any of this?
A. No.
Q. Next I'm going to show you Exhibit No. 28, which is another article published --
A. I don't think I did. I think I talked about him -- I didn't like that, all this was being aired in the press.
Q. But it was being aired in the press, correct?
A. Yeah.
Q. And you were in the press before January 2005 when Onorato made any comments, correct?
A. The situation was, yes.
Q. And you were in the papers and a lot of stories were written about your involvement, correct?
A. Yeah. The Sunday after I got fired, it was on the front page of the newspaper.
Q. Next I'll show you Exhibit 28, which is

another article published on September 17, 2004.
A. I remember this, too.
Q. The title of it is "Telephone number crucial to aide's case," correct?
A. Yes.
Q. The first page of the article in the bottom four paragraphs, Anthony Angelone is quoted as making statements, correct?
A. Yes.
Q. And that's the time he was serving as your attorney, correct?
A. Yes.
Q. And on the second page, the top two paragraphs, Mr. Angelone, as your attorney, was making statements, correct? He's quoted?
A. Yes.
Q. In fact, the second paragraph on the second page Angelone says, quote, "'It was coerced.'" Right?
A. Yes.
Q. And then he makes more statements that are quoted, correct?
A. Yes.
Q. You make a claim in this case that your reputation was tarnished as a result of the

actions of the various defendants. Do you know that?
A. Yes, I read that.
Q. Did you have a good reputation before, say, September 10, 2004?
A. Did I have a good reputation? I don't know. You're asking me what my reputation is, I don't know. It's not something that is issued in a report card. I don't know what my reputation is.
Q. You contended that you had your reputation tarnished, correct? You lost your reputation. Did you know you made that claim in this case?
A. I have read that complaint. You're talking to the complaint that is sent to the Federal court?
Q. Yes.
A. Yes.
Q. You don't know what your reputation was like before September 10, 2004, though, is that what you're telling me?
A. Yeah. I really don't. I don't think that -- I mean, what is a reputation, you know what I said.

Q. You were arrested for a DUI in November of 1999.
A. What does that have to do with anything?
Q. Did people know about that?
A. No.
Q. Nobody knew about your arrest for DUI in 1999?
A. No.
Q. Did anybody know about your two attempted suicides?
A. Yes. I think that when they did the profile of me, I talked about problems with drug and alcohol. I talked about two attempts of suicide. It wasn't anything that I hid.
Q. Did anybody believe that you, while working for the Erie County Department of Health, had torn the department to shreds, to your knowledge?
A. To what?
Q. To shreds.
A. I'm sorry. I don't understand your question.
Q. Did anybody believe that you disrupted the Erie County Department of Health by virtue of your activities there?

MR. McNAIR: I object to the relevance of the question. What one person may believe doesn't constitute evidence of reputation.
MR. LANE: Sure it does. Absolutely. Because it may not be one person. It may be several people that know this and believe that.
MR. McNAIR: Then that would be reputation.
MR. LANE: We're going to keep getting into it.
MR. McNAIR: We'll deal with it at another time. Some other time. Yes.
MR. LANE: We can finish it at another time, but I'm close to being done. Do you want to finish it some other time? We can, if you have to go.
MR. McNAIR: We've been here a long time. This is getting repetitive.
MR. LANE: This is repetitive? I don't remember asking about, or anybody asking about her reputation.
MR. McNAIR: I'll give you five minutes to wrap it up.

MR. LANE: You know what?
MR. McNAIR: You're entitled to one day of seven hours. You've had it.
MR. LANE: I haven't had it. I think I'm asking new questions.
MR. McNAIR: You and your co-counsel.
MR. LANE: I'll try to finish up.
BY MR. LANE:
Q. You are making a claim in this case for mental anguish, do you know that?
A. Yes.
Q. You had mental anguish before September 10, 2004, didn't you?
A. Yes.
Q. Significant mental anguish?
A. Yes.
Q. Did you seek, after September 10, 2004, any medical treatment for mental anguish?
A. My doctor wanted to put me on antidepressants, but I didn't.
Q. What doctor was that?
A. Dr. Kalata.
Q. How do you spell that?
A. K-A-L-A-T-A.

Q. What is Dr. Kalata's first name?
A. John, Jr., Kalata.
Q. What is his professional address?
A. I don't know his professional address, but he's on Eighth Street, Eighth and Parade.
Q. In Erie?
A. Yes, sir.
Q. How long have you been seeing Dr. Kalata?
A. Off and on for years.
Q. How many visits did you go to with Dr. Kalata about any type of mental anguish after September 10, 2004?
A. After this? Just one.
Q. So that is one visit for mental anguish after September 10.
A. Yes.
Q. And prior to September 10, 2004, had you treated with Dr. Kalata for mental anguish?
A. Prior, yes. No. In 2000, I think, you know, like 1999, 2000, during that whole depression bout.
Q. You treated with him?
A. Yeah.
Q. And from, let's say, November of '99 up until September 10, 2004, was he your sole

primary care physician?
A. Yes. Well, no. He wasn't my sole -- I had one other doctor that I saw for my asthma. I can't recall his name, on Peach Street.
Q. But that was just for asthma?
A. Yes.
Q. Would Dr. Kalata have referred you to that doctor?
A. No. I got a referral that he was a good doctor, because I had severe asthma.
Q. Have you ever treated with a psychiatrist?
A. For a time, just before going to OCY, I did. Pat Hanna.
MR. McNAIR: Just so the record is clear, Pat Hanna is not a psychiatrist. He is a psychologist.
MR. LANE: Thank you.
BY MR. LANE:
Q. Where is Pat Hanna's office?
A. I believe he was out on West 38th Street at the time. It's been years since I went out there. I think he has moved.
Q. Is he still in Erie, do you know?
A. I think he is, because I saw him at OCY

before. He is like, it just so happens he does contract stuff with them for staff.
Q. Other than Pat Hanna, have you treated with any other psychologist during your lifetime?
A. Just when I was in foster care.
Q. Back when you were a child?
A. Yes.
Q. Do you recognize the distinction between a psychologist and a psychiatrist?
A. Yes.
Q. Psychiatrist is a medical doctor?
A. Yes.
Q. Have you treated with any psychiatrists?
A. No. Just when I was really depressed, but like I said, I ended up getting taken off that medicine.
Q. What hospital --
A. It made me sick.
Q. It made you sick?
A. Yes.
Q. Do you know what medicine it was?
A. I don't remember.
Q. What hospital were you admitted to when you attempted suicide?
A. St. Vincent's.

Q. Were you put in a psychiatric care unit?
A. Yes.
Q. Did people know about that?
A. Yes.
Q. Have you taken any medication for any type of mental anguish since September 10, 2004?
A. No. My doctor, like I said, tried to prescribe it, but I'm not going to go down that pike. I talked to my pastor and my pastor's wife and they counsel me. And I don't have to take medication. I don't feel depressed.
Q. You testified previously about an individual, I forget the name, I apologize, that came to work for OCY, I believe as an intern or student?
A. Yes. Zin Kates (phonetic).
Q. You said she was Christian. Do you remember that?
A. Yes.
Q. That meant to you she worked hard, an honest day's work for an honest day's living?
A. Something along those lines.
Q. Is it your belief that Jews don't do that?
A. Absolutely they do.

Q. Is it your belief that Hindus don't do that?
A. No.
Q. Why was it significant she was a Christian, that she would put in a good day for an honest day's pay?
A. Because there was a sisterhood with her. She was like-minded. She worked hard. I related to her. I also think I commented that she was normal and wanted to make empowerment. It wasn't something -- I wasn't really heavy into some topic labeling somebody because of their Christian values.
Q. What church do you belong to?
A. Family Worship Center.
Q. Where is that located?
A. 1201 Parade Street.
Q. How long have you been a member there?
A. A couple of years now.
Q. Since you lived in Erie, what other churches have you belonged to?
A. First Assembly.
Q. Any others?
A. I went to St. Hedwig's for a while, which is like next door to my house.

Q. St. Hedwig's?
A. Yes, sir.
Q. What kind of church is that?
A. Catholic.
Q. Are you Catholic?
A. Christian.
Q. Do you consider yourself to be of any particular denomination of Christianity?
A. No. I guess -- I don't know. Assembly of God, Full Gospel.
Q. I'm sorry. Did you recall where First Assembly of God is located?
A. Out on Oliver Road.
Q. Is that in Erie?
A. Yes.
Q. By the way, you did sign that resignation letter on September 10, 2004, correct?
A. Yes.
Q. Almost done. I appreciate your accommodating the time.
(Conley Deposition Exhibit 30 was marked for identification.)
BY MR. LANE:
Q. I'm going to show you what I've marked as Exhibit 30. Is that the resignation letter you

signed on September 10, 2004?
A. Yes.
Q. Did you report the W[redacted] incident to, like, a district attorney or anybody like that?
A. Yes.
Q. To whom did you report it and when?
A. Actually, not the P[redacted] W[redacted] incident, the altering of my court document.
Q. I'm talking about the P[redacted] W[redacted] incident. Did you report that to anybody outside of OCY?
A. I talked to the hotline and asked them what they thought about it, whether, you know, it qualified as physical abuse or, you know, what I should do. I told them my capacity at OCY.
Q. What is the hotline?
A. Hotline is a number locally that you call when you have concerns about child welfare issues. It was after I went home that night, or the next day, I called and asked, and asked them about whether or not it should be reported to DPW and just my concerns, you know, that I was going to talk to my supervisor.
Q. Do you know who operates the hotline?
A. No.

Q. How did you know to call the hotline?
A. That's what they tell people through the office of the children and youth, if you suspect abuse, to call that hotline number.
Q. At OCY, who were your clients, the children, or the parents?
A. Both.
Q. They were both your clients?
A. Absolutely.
Q. Whose interest were you supposed to protect, the children's or the parents?
A. All.
Q. You weren't just looking out for the child?
A. No.
Q. If the child's interest conflicted with the parents', were you supposed to make a judgment call as to who you were supposed to look out for, or how did that work?
A. I'm not following your train of question.
Q. Let's suppose the parents beat the child, but the parents wanted custody of the child, okay. Whose interest were you supposed to look out for in that circumstance?
A. Okay. I'm witnessing this beating?

Q. Sure.
A. Absolutely the child.
Q. So the child's interests were paramount?
A. Yes. In that synopsis, definitely.
Q. On your last day of employment for the Erie County Department of Health, were you escorted out of the office?
A. Yes.
Q. By whom?
A. Char Calobsky and KiKi Loch (phonetic).
Q. Why did they escort you out, do you know?
A. No.
Q. Did they tell you a reason why they escorted you out?
A. No.
Q. Were you asked to resign?
MR. McNAIR: What do you mean by asked?
Q. Did somebody request that you resign from your employment there?
A. I was explained that that was one of the options that I should take.
Q. Were you given any other options?
A. He didn't tell me all of the other options, but Onorato said that charging me or

going to the DA's office was something that was a possibility. Because I gave out the phone number.
Q. I'm talking about the Department of Health.
A. Oh, was I escorted out?
Q. Yes.
A. I don't remember. I'm sorry.
Q. You said you were escorted out by Char --
A. That was at the Office of Children and Youth. I went back and got my belongings off of my desk and I had personal items.
Q. You allege in your complaint that the comments made by John Onorato were motivated by personal and political animus against you. What personal animus did John Onorato have against you?
A. I am not sure what my -- my attorney wrote that document.
Q. Do you know of any personal animus he had against you?
A. I don't know how my attorney means that statement.
Q. Well, you read it before it was filed.
A. Yeah, and there are parts of that that I

wasn't really sure what it meant.
Q. So you don't know what that means?
A. I'm not positive about that part, no, sir.
Q. What political animus did he have against you?
A. Well, definitely I would think that working -- I don't know, politics. I was a member of the Democratic party, I don't know, there's a lot of, you know, he's on the Republican side, I'm on the Democrat side. Again, that was written by my attorney, so I wish Anthony was here, because he would be able to -- he wrote that based on things that I told him. I just don't understand necessarily the definition in legal terms as it's written.
Q. Do you have anything that leads you to conclude that John Onorato has personal animus to all Democrats?
A. I don't know.
Q. Well, you said that you think he might have personal animus against you because you're a Democrat?
A. I'm trying to lean towards --
MR. McNAIR: She said that in

response to your question about political animus, not personal animus.

MR. LANE: Exactly.

BY MR. LANE:

Q. Does he have that, some sort of grudge or problem with Democrats in general that you know of?

A. I don't know.

Q. So that is what I'm trying to get to. What supports this statement that John Onorato was motivated by political animus against you?

A. I would really need to correspond with my attorney and ask him what those lines meant.

Q. You can't tell me right now?

A. No. I just don't think Anthony would have written something off the cuff that didn't apply to something.

Q. Well, Anthony got all his facts from you.

A. Right. That's why I'm leaning...

MR. McNAIR: It's not a factual pleading. It's a notice pleading.

MR. LANE: That's a fact. That is a fact statement that Onorato was motivated by personal and political animus against Ms. Conley. That is not notice. That is a statement of fact

or an allegation of fact, at least.

MR. McNAIR: Of -- right.

MR. LANE: I'm trying to get to the basis of that.

BY MR. LANE:

Q. And you're telling me you don't know?

A. I would really like to talk to Anthony, because I'm thinking he wrote that based on something I said. I just don't understand the legal terminology, its content.

Q. But you, sitting here today, can't tell me of any facts that you know of that leads you to conclude that Onorato had any type of personal animus or political animus against you, right?

A. I'm not sure.

MR. McNAIR: At what point?

MR. LANE: At any point.

MR. JOYAL: Culminating September 10.

MR. McNAIR: Defamation occurred in January when it was exposed that he spent $68,000.

MR. LANE: We already covered it at any point. There's no big deal. Let's get it done.

MR. McNAIR: Great.

BY MR. LANE:

Q. When you went to work at OCY, did you notify anyone at OCY about your mental health issues that you had encountered?

A. Yes.

Q. Who?

A. John Petulla, who was the director at the time, was aware. I talked about it, that I had attempted -- the Times did a story. When that file footage came from, I talked about it then, too.

Q. How did you communicate that to -- I'm sorry, who was it?

A. John Petulla. During my interviews upon hiring, I talked to him about depression and getting better and he was aware of it. At that point, I was okay, you know, I was off the medication. There was a lot of things that happened in that window of time in my life, absolutely devastating things.

Q. Did you fill out a written application for OCY?

MR. McNAIR: We've covered this.

A. No. There's already an application on

file. I simply bid on it. I was on a medical leave.

Q. You can answer it no. We will get done quicker. So there's nowhere in writing what you notified OCY of your mental health issues, is that correct?

A. I don't think so.

Q. You don't think it's correct?

A. I don't think that I put it in writing, no.

MR. LANE: Because of the time allotments, I'm going to stop there. I appreciate your indulgence.

MR. McNAIR: I have a few questions.

EXAMINATION

BY MR. McNAIR:

Q. Do you know whether Mr. Onorato was embarrassed by the disclosure the county spent $68,000 defending your civil service claim without even going to a hearing and that the money went to the McDonald Illig Jones and Britton firm which has as a partner the Republican chair?

MR. LANE: Objection. Leading, move to strike.

MR. JOYAL: Objection. Move to strike.

BY MR. McNAIR:

Q. Do you know if he was embarrassed by that?

A. I don't know. I see. Now it's your turn to ask me questions?

Q. Yes. Did you believe at any time, that [redacted] should have custody of the newborn child?

A. No.

Q. Did you believe that [redacted] or the child would be better off if she had custody of the child or if the child wasn't detained?

A. I had some real questions about [redacted].

Q. Did you believe that [redacted]'s parenting skills were adequate?

A. She had problems.

Q. Did you ever see any order for detention or detention letters --

A. No.

Q. -- in the [redacted] case?

A. No. They don't give it to case aides.

Q. Did you need to see those or know that such an order had been entered to know that

[redacted]'s infant was going to be detained?

A. No. I knew by the circumstances, because she was so close to birth that the probability of detention letters being placed at the hospitals was 100 percent. Especially in lieu of the fact that she was involved -- that the father of the infant child was involved in a bank robbery. I knew we were going to detain.

Q. And that was --

A. But I didn't have any knowledge about detention letters. They don't correspond that stuff with us.

Q. Did you volunteer publicity in connection with your publicity?

A. No. I begged that it didn't come out.

Q. Did you feel that it was necessary to respond to accusations that were made against you in the newspaper?

MR. LANE: Objection. Leading. Move to strike.

BY MR. McNAIR:

Q. You can answer.

A. I wanted to talk, but I couldn't.

Q. Did the Office of Children and Youth tolerate the use of e-mail such as forwarding

that poem about Satan and similar activities?

A. Yes.

MR. LANE: Objection. Leading, move to strike.

Q. Was that an uncommon occurrence, that somebody would forward something to you?

A. Every day my e-mail was filled with junk mail. Everybody in the building does it.

Q. And was that something that was known to supervisors?

A. Yes. Supervisors even sent junk e-mail.

Q. Did Sue Deveney ever send you junk e-mail?

A. Yes, she did, on several occasions.

Q. What type of things would she send you?

A. Spiritual stuff. Happy stuff, you know, just...

Q. Religious things?

A. Yeah.

Q. And did Gail Smith, was Gail Smith, you said, the head of computers?

A. Yes.

Q. At the Office of Children and Youth?

A. Well, she does something along those lines, like she does the computers and phone

lines and she is like a supervisor for that category.

Q. And when she e-mailed you and told you that she had already forwarded that poem about Satan to your home e-mail, did she caution you that you were violating e-mail policy by forwarding it to her?

A. No.

Q. Prior to September 9, had anyone ever talked to you about using the e-mail system to forward items such as that?

A. Not that I recall. Everybody does it.

Q. Is that something that is generally tolerated --

A. Yeah.

Q. -- by management?

A. Yeah. They know it. They do it, too. Even --

Q. After February of '04, let's go to the [redacted] case -- let me back up. Was there a court hearing in the [redacted] case prior to Deanna Cosby leaving her job and going to Mecklenburg County?

A. Yes, I believe there was.

Q. And was there an order entered as a

result of that hearing changing the way in which the agency was to approach that case?
A. Yes.
Q. How was that agency's approach to change?
A. That they were supposed to increase the supervision of this particular family due to mom's involvement with the father of the baby.
Q. And how long after that order was entered was it that Deanna left?
A. Shortly after that.
Q. And to whom was the case reassigned?
A. P[redacted]W[redacted].
Q. Did P[redacted] W[redacted] comply with that court order? Or did she do more --
A. No.
Q. -- have more contact with the family than Deanna?
A. She, when Deanna left, so did the case management. With the exception of an hour and 45 minutes, that case for a quarter of a year did not have a caseworker after Deanna left.
Q. With regard to your witnessing the incident where P[redacted] W[redacted] grabbed V[redacted] W[redacted]'s child by the face and shook her, did you attempt to report that up your chain of command?

A. Yes.
Q. And how many attempts did you make to report that up your chain of command before you went outside the chain of command?
A. I actually, I think, spoke to the hotline the night that it happened, or when I got home that day, and then I attempted several times to talk to Sue, the supervisor, and she, on a couple occasions she was too busy, told me, you know, we would meet and she ended up, I don't know, she had a sick day or something. There was a series of events that occurred that she wasn't able to meet with me, and I felt that I had some time before the next visit, but before the next visit I went to the supervisor.
Q. Would Deanna Cosby have known with any degree of certainty that detention orders would have been in place against V[redacted] W[redacted]?
A. Sure. It was her case. She knew the case better than anybody. She knew the baby was going to be detained.
Q. And do you know whether or not Deanna Cosby was opposed to the baby being detained?
A. She supported the concept.
Q. Of having the baby detained?

A. I believe to kinship care.
Q. So V[redacted]s --
A. That was always --
Q. Deanna thought that V[redacted]'s baby should be turned over to family rather than --
A. Rather than foster care.
Q. Why was that?
A. It's less invasive. There's no question the baby needed to be detained. The kinship care is better for the child. That is the -- I don't know, the theory or the science at OCY, is that it's just easier, I think there's -- it's called the Safe Families Act, and they also say that all options through the family should be examined prior to placing a child in foster care. It's just the science of social work.
Q. In any of these e-mails that went back and forth between you and Deanna, did you at any time disclose to Deanna any information that she didn't already know?
A. No.
MR. LANE: Objection. Lack of foundation.
MR. JOYAL: Right. Absolutely.
Q. You reviewed all those e-mails today?

A. Yes.
Q. We went over them at some length?
A. Yes.
Q. You're familiar with the statements contained in them?
A. Yes.
Q. Did any of those statements contain information that Deanna Cosby did not already know?
MR. LANE: Objection, lack of foundation. Speculation.
MR. McNAIR: You can follow it up.
MR. LANE: I'm posing my objection.
MR. JOYAL: We will follow up.
THE WITNESS: Can you say the question one more time?
BY MR. McNAIR:
Q. In all these e-mails between you and Deanna Cosby that we reviewed today, at any time did you tell Deanna anything that she did not or would not have already known?
A. No.
Q. So did you --
A. Or that she could have found out. I think the information she can -- she could have

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got on line and gone to goErie.com. There are things I told her that was on the web site or in the newspaper.
Q. Did V[redacted] have any objection to you discussing her case with Deanna?
MR. LANE: Objection. Lack of foundation.
Q. Did you ever discuss with V[redacted]?
A. She asked me over and over and over again to please get ahold of Deanna because they wanted her expertise in the case. She wasn't being serviced. The system is broke at OCY.
Q. So did V[redacted] ask you to contact Deanna?
A. Yes.
Q. And did she ask you to discuss V[redacted]'s case with Deanna?
A. Yes, and tell her that they need her and to call Amy and that she wanted her to come to the Court hearing.
Q. Did V[redacted] W[redacted] ask you to have Deanna contact Amy Jones?
A. Yes.
Q. Now, do you know whether or not anyone other than Deanna told V[redacted] about the probability of a detention order?

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A. I'm sorry?
Q. Did anybody besides Deanna tell V[redacted] that there was going to be a detention order?
MR. JOYAL: Objection. Speculation.
MR. LANE: Join.
BY MR. McNAIR:
Q. You can answer.
A. Actually, Amy Jones, I believe, told her, and I also believe that Lisa Copazinski (phonetic), I know that Lisa Copazinski told her, because Lisa told me she told her. The other way it was second-hand information, but Lisa Copazinski told V[redacted] W[redacted] that OCY was going to be detaining the baby. Project First Step is, works along the case, and she was very specific about that with V[redacted].
Q. Was there at any time any action, any need for the Office of Children and Youth to take any action or spend money to defend children from you?
A. No.
Q. If a statement was made that the OCY took action to defend children from you, would that statement be true or false?
MR. JOYAL: Objection.

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A. False.
MR. McNAIR: That's all the questions I have.
EXAMINATION
BY MR. JOYAL:
Q. Follow up based on what he -- did you take your oath seriously?
MR. McNAIR: Objection. She is not going to answer that. That is so insulting.
BY MR. JOYAL:
Q. Do you take your oath to tell the truth seriously?
A. Yes.
Q. Take a look back at Exhibit No. 3. In response to one of the questions that Mr. McNair asked you, you said that you did not tell Deanna Cosby about any detention letters, yet you already wrote in there that there were detention letters at all the hospitals?
A. Right.
Q. When Deanna Cosby said -- when you said she had, didn't know it was coming and Deanna Cosby said she will, did you write her back or call her and say, wait a minute, I think this baby needs to be detained, because there are

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issues with V[redacted]'s parenting?
A. I already knew that Deanna wanted to put kinship --
Q. That wasn't my question. Did you call her back and ask her whether or not she should not get involved in this because there was some issues that you had with her parenting skills? Yes or no.
A. We did have a conversation with my concerns, yes.
Q. When?
A. I don't remember if it was before or after this.
Q. Well, at some point where did that baby finally get placed?
A. Kinship care.
Q. With the grandmother?
A. Yes.
Q. R[redacted] B[redacted]'s mother, and that was right out of the hospital?
A. I don't know. I wasn't on the case after that.
Q. You weren't on the case because you asked -- did you ask V[redacted] W[redacted] where the baby went?

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A. No.
Q. You know she was placed with R[redacted] B[redacted]' mother?
A. I did know that.
Q. So it was kinship care?
A. Yes.
Q. Now, at that point in time, Deanna Cosby had nothing to do with that, is that correct?
A. With the placement?
Q. With the placement of the baby.
A. I don't know.
Q. She hadn't testified?
A. I don't think she did.
Q. You saw the letters where you said you couldn't believe that Deanna would have told her to leave town, okay. Vi[redacted] W[redacted] wanted to keep that child, isn't that true?
A. (Witness nodding head.)
Q. Isn't that true?
A. Yes.
Q. And V[redacted] W[redacted] wrote that to R[redacted] B[redacted] that she wanted to keep that child, isn't that true?
A. (Witness nodding head.)
Q. And the reason V[redacted] W[redacted] wanted

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Deanna Cosby to testify was so she could keep the child and not that your concerns would be allayed and she would go into care, but that she would keep the child, isn't that true?
A. I don't know why V[redacted] wanted -- I don't know if -- I never even thought about it that deep before. I thought that V[redacted] needed some direction with her case. She was minus a caseworker.
Q. V[redacted] had a lawyer, correct?
A. Yes.
Q. V[redacted]'s lawyer, V[redacted] could have gone to her lawyer or V[redacted] could have gone to anybody at OCY and said I need direction with my case. I'm without a caseworker, is that right?
A. I think she did do that.
Q. To whom besides you?
A. She complained all the time that P[redacted] wasn't there. Lisa Copazinski also complained.
MR. McNAIR: Don't interrupt her.
MR. JOYAL: Don't point your finger.
MR. McNAIR: We're out of here.
A. She didn't come to the visits.
Q. Who didn't come?
A. The caseworker.

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Q. And is it illegal or is it sometimes, is it unheard of at OCY that a client petitions for another caseworker, and asks for someone else to come and take over their case, is it unheard of?
A. P[redacted] was taken off the case.
Q. My question was, is it unheard of in OCY for a client to petition and ask for another worker?
A. No.
Q. She has a lawyer, the lawyer was experienced in OCY practice, isn't that true?
A. Yes.
Q. The lawyer could have gone to OCY and said, written a letter and said, we want another caseworker based upon what you said that there was service neglect, isn't that true?
A. She could.
Q. She could have and she didn't, did she?
A. I don't know.
Q. Well, did you ever talk to her about it, and suggest to her that she petition for another caseworker?
A. I told her to call the office, to put it into writing, the general --
Q. Did she ever do that?

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MR. McNAIR: Would you let her finish her answer.
Q. What did she tell you?
A. She told me that she did call and she did complain and she did ask for a new caseworker.
Q. Did you consider yourself someone that had a good relationship with V[redacted] W[redacted]?
A. Somewhat.
Q. Did you care about her?
A. Yes.
Q. Did you try to guide her and help her along the route to get a new caseworker?
A. That wasn't my job.
Q. Well, was it your job to be talking to Deanna Wilson about detention orders all over, at all the hospitals? Was it your job to do that?
A. That is not -- you're taking what I said out of context.
Q. What you said was, "I just spoke to V[redacted] last night, she was not in labor. Her attorney told V[redacted] that she has nothing to worry about when it comes to the unborn child. She told V[redacted] that we (OCY) cannot detain. [redacted] is taking her attorney's advice, she is due any day. P[redacted] has detention letters at all

the local hospitals. [redacted] does not see this coming." That is what you told her, didn't you?

A. The context of what I meant, I mean, that reads -- it reads a couple different ways. I would like to put it in the frame in which I meant it.

Q. What did you mean?

A. What I meant is that this caseworker had a snapshot of one part of this case in its entirety. This mother had no concept that her baby was going to be detained, that she was in any kind of trouble. She didn't see anything coming. She had no conflict. Whether or not she had parenting skills or any of that, she didn't have a caseworker. She didn't see anything that she was doing as wrong because she wasn't being directed in any way. So what I'm saying is this, it is in the context of exactly what was occurring at the time. The caseworker had not shown up for a quarter of a year.

Q. You didn't say that in there, did you?

A. I didn't have to. Deanna already knew that.

Q. How did she know that?

A. I told her that that the caseworker had

not shown up.

Q. You told her. She had Lisa Copazinski, she had a lawyer, and she had you?

MR. McNAIR: Are you trying to convince her of something?

Q. No, I'm trying to get to the point here. And you know as you sit here today as you're explaining this e-mail about what you meant in that e-mail as you told Mr. Lane, you can read it any way you want. Why didn't you pick up the telephone and say what you, instead of putting that in the e-mail that said there were detention letters all over the place, she doesn't know what was coming, how did you know what Deanna Cosby was thinking at that point, especially after you asked her to help her?

A. I don't know what she was thinking.

MR. McNAIR: Whoa. Is there a question there?

MR. JOYAL: Yes.

BY MR. JOYAL:

Q. How does she know what she was thinking, especially after that e-mail exchange, you had asked her to help her?

A. I define Deanna's help as talking to the

attorney and giving the case to case management is what I thought. I know what you're trying to say, but that isn't what I meant.

Q. Ms. Conley, I'm not trying to say anything. What I'm trying to say is that you have authored e-mails and now what you're saying is that you knew what Deanna Cosby was trying to do and you just testified to me that you have no idea what she was thinking based on those e-mails, is that right?

MR. McNAIR: Save it for your brief, will you?

Q. Is that right? Yes or no.

A. Can you say the question one more time?

Q. Are you telling me today as you sit here right now that you have no idea what Deanna Cosby was thinking at the time that you wrote that e-mail when you said to her --

A. I didn't have an idea of what she was thinking. She wanted to talk to Amy Jones about kinship placement. She was trying to give case management to a case that didn't have a caseworker.

Q. She was not qualified at that point or entitled to give case management to anybody, was

she? Because she wasn't an employee, is that correct?

A. Right.

Q. And Lisa Copazinski from Project First Step had some experience, she could have intervened on behalf of Ms. [redacted] did she do that to OCY?

A. I think -- I think. I'm not really positive.

Q. You're not positive and you could have, as an OCY worker, gone to one of your supervisors or anyone else, even outside the chain of command, say, talk to [redacted], she is really concerned about no case manager, you could have done that, couldn't you?

A. It was common knowledge.

Q. Did you do that is my question?

A. Yes.

Q. To whom?

A. To Pam Biroscak.

Q. When?

A. I don't remember the exact day.

Q. Before this or after this e-mail?

A. I believe before.

Q. You told Mr. Lane that Deanna Cosby could

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have found out things on goErie.com. What could she have found out about anything that OCY was doing confidentially about this case on goErie.com?
A. That is not what I meant.
Q. What did you mean?
A. I meant when it came to the drowning of the boy, that was in the newspaper, and when I make reference to like letters to the editor, that can be found on goErie.com.
Q. But none of the stuff about V[redacted] W[redacted] could have been found there?
A. The question he asked me was, I forget how he phrased it, but I was making reference to the stuff about the child drowning on goErie.com.
Q. Then I didn't understand it. You said you called the hotline?
A. Yes.
Q. On the date that this incident with P[redacted] W[redacted] occurred?
A. Or the day after. As soon as my schedule, sometimes it goes really fast.
Q. The hotline is open 24 hours a day?
A. Yes, sir.
Q. And is it, and I don't know this for a

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fact, but does it not -- does not the hotline also take reports of abuse? Can you use the hotline to report a case of child abuse?
A. Yes.
Q. When you called them, did you tell them what you had seen?
A. Yes.
Q. And did you tell them who had been the perpetrator?
A. Yes.
Q. And did you tell them that you thought it was abuse?
A. No.
Q. What did you tell them?
A. I told them I didn't know what to do, that it was a particularly odd situation, he encouraged me to talk to the supervisor.
Q. He did not want to take a report from you?
A. I think perhaps he did.
Q. He did take a report from you?
A. I think he took notes, yeah. I don't know if it would -- I'm not sure.
Q. You yourself did not make a report of child abuse to Ms. Deveney, did you?

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A. Yes.
Q. You did. You called it child abuse.
A. I did not call it child abuse. I told her she shoved the child by the face.
Q. And if your call to the hotline resulted in this guy taking notes and --
MR. McNAIR: This is not in response to any questions that I asked her.
MR. JOYAL: This is in follow up.
MR. McNAIR: I didn't ask her anything about hotline or definition of abuse or anything. If you have something in another vein, I'm going to give you one chance to ask it. Otherwise we're leaving.

BY MR. JOYAL:

Q. Have you received any, since September 12 of 2004, has anyone approached you and told you that they felt that the term whistle-blower was a derogatory term to you?
A. Has anyone approached me?
Q. Yeah, anybody told you they thought that the term whistle-blower meant that you were not being truthful in your claims concerning the brokenness of the agency?
A. My phone rung off the hook when that

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story -- I received literally at least 100 phone calls. I don't even know who it was from.
Q. You don't know who called you?
A. Some of the people, no.
Q. Did they --
MR. McNAIR: We're done. We're done.
MR. LANE: I have a couple follow-up questions. I have a couple follow-up questions.
MR. JOYAL: Ask them.
MR. LANE: Are you done? He's done.
MR. JOYAL: Yes.
MR. LANE: I want to ask a couple follow-up questions.
MR. McNAIR: I'll tolerate it if it's to the point. If it's not, we're out of here.

EXAMINATION

BY MR. LANE:

Q. You said in response to Mr. McNair's questioning that you believe that V[redacted] W[redacted]'s attorney told her that there was going to be a detention order. Do you remember saying that?
A. Yes.
Q. But in Exhibit No. 3, you told Deanna

Cosby that the attorney told V[redacted] that you could not detain, right?
A. You're right.
MR. McNAIR: Mischaracterizes what it is.
Q. I am right, yes?
A. Yes. You are correct.
Q. Okay.
A. I found out about the detention order being told to V[redacted] by her attorney, I believe through a conversation with Deanna Cosby who talked to Amy. Amy told Deanna that she had told V[redacted] that OCY was going to detain the baby. But at that particular time, what I was repeating is what V[redacted] told me. I have no way of knowing who said what to V[redacted] I am just repeating what V[redacted] said in that e-mail.
Q. In response to Mr. McNair's questions, you indicated that junk mail is circulated on the e-mail system all the time?
A. It's ridiculous.
Q. Aside from you, not talking about you, other than Abby Conley, at OCY, do you know of anybody who communicated confidential case information to any third parties outside of OCY?

A. Yes.
Q. Who?
A. I believe M[redacted] -- Sue Deveney through the e-mail. I'm sorry?
Q. Through e-mail?
A. I know Deanna received case information through the US Postal Service from Sue Deveney about, because when Deanna left, all of her cases were distributed on our unit to prospective caseworkers, and Sue had multiple questions about cases and was e-mailing Deanna back and forth. There was a lot of tension between Deanna and Sue. Sue approached me on it. Deanna didn't want to talk about cases anymore. Mike Cauley had also contacted her about case information, and Michelle Shetter as well.
Q. Did you see the e-mails?
A. No.
Q. How do you know?
A. Sue told me, asked me if I could provide her Deanna Cosby's e-mail in North Carolina because she had questions about the cases that she had left.
Q. So Sue had questions for Deanna, right?
A. Yes.

Q. What confidential information did you see that was communicated between Sue and Deanna?
A. I didn't see anything.
Q. So you don't know from first-hand knowledge of anything --
A. No.
Q. -- being communicated by anybody at OCY to a third party in terms of confidential information, right?
MR. McNAIR: Object to the question as being overbroad, there not being a workable definition of what constitutes confidential information.
BY MR. LANE:
Q. Anything you consider confidential?
A. I don't know what they sent to her.
Q. So sitting here right now, you can't tell me about your first-hand observation of confidential information of OCY being communicated by an employee of OCY to a third party, right?
A. I can only tell you about the confrontation.
Q. I have one more question. You testified in response to Mr. McNair's questions that, I

believe you said that Deanna Cosby could have obtained the information in any information you gave her through third parties or through the Internet, things like that, correct?
MR. McNAIR: Objection. Mischaracterizes the question and the answer.
Q. Generally --
A. I was talking, once again, it's the same thing he just asked me.
MR. McNAIR: The question was, did she disclose anything that Deanna Cosby didn't already know or wouldn't already know.
Q. I'm going to show you Exhibit 31.
(Conley Deposition Exhibit 31 was marked for identification.)
BY MR. LANE:
Q. Can you tell me what this is?
A. (Witness reviews document.) This is a summary of my history with the county.
Q. Did you prepare it?
A. That was prepared by Anthony, him and I worked on this. I gave him information and he drafted this up.
Q. When was it drafted?
A. I don't know.

Q. Do you know generally the time frame, what year?
A. I would say 2004.
Q. After September 10, 2004?
A. Yes.
Q. And why was it created?
A. I don't know.
Q. Was it ever submitted to anybody as your side of the story?
A. I don't know.
Q. Why in there, in your summary of all the events that had taken place, did you not mention one time that you had sent all these e-mails back and forth to Deanna Cosby if you didn't think there was anything wrong with it?
A. Probably because I didn't think there was anything wrong with it.
MR. LANE: That's all I have. Thanks.
MR. McNAIR: She'll sign. She'll read.
(Deposition concluded at 7:28 o'clock p.m.)
(Signature not waived.)

ABBY S. CONLEY)
vs.)
COUNTY OF ERIE, ERIE COUNTY OFFICE OF CHILDREN AND YOUTH a/k/a ERIE COUNTY CHILD WELFARE SERVICE, et al.)

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CERTIFICATE

I, ABBY B. CONLEY, do hereby certify that I have read the foregoing transcript of my deposition, and it is a true and correct copy of my testimony, except for the changes, if any, made by me on the attached Deposition Correction Sheet.

____
ABBY B. CONLEY

____
(Date)

____
Notary Public

____
(Date)

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF ALLEGHENY)

I, Debra D. LaGamba, a Registered Professional Reporter and a notary public in and for the Commonwealth of Pennsylvania, do hereby certify that the witness ABBY B. CONLEY, was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth; that the foregoing deposition was taken at the time and place stated herein; and that the said deposition was recorded stenographically by me and then reduced to typewriting under my direction, and constitutes a true record of the testimony given by said witness, all to the best of my skill and ability.

I further certify that the inspection, reading and signing of said deposition were not waived by counsel for the respective parties and by the witness.

I further certify that I am not a relative, or employee of either counsel, and that I am in no way interested, directly or indirectly, in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 15th day of October, 2005.

____
Debra D. LaGamba
Notary Public

My Commission Expires September 3, 2006.

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